United Nations S/2010/319

Security Council

Distr.: General
17 June 2010

Original: English

Letter dated 17 June 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, and in accordance with paragraph 9 of Security Council resolution 1903 (2009), I have the honour to submit herewith the midterm report of the Panel of Experts on Liberia.

I would appreciate it if this letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Ivan **Barbalić**
Chairman
Security Council Committee established
pursuant to resolution 1521 (2003) concerning Liberia

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Enclosure

Letter dated 13 May 2010 from the Panel of Experts on Liberia addressed to the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003)

The members of the Panel of Experts on Liberia have the honour to transmit the midterm report of the Panel prepared pursuant to paragraph 9 of Security Council resolution 1903 (2009).

(*Signed*) Wynet **Smith**
(Coordinator)

(*Signed*) Rowan **Bosworth-Davies**

(*Signed*) Hervé **Gonsolin**

Midterm report of the Panel of Experts on Liberia submitted pursuant to paragraph 9 of Security Council resolution 1903 (2009)

Summary

Diamonds

The Government of Liberia authorized the export of over 27,700 carats of rough diamonds valued at approximately $9.13 million during 2009. The Presidential Task Force on Diamonds reconvened on 10 December 2009 after a 14.5-month hiatus and has approved a plan to transition to a Precious Minerals and Kimberley Process Oversight Committee. Liberia has submitted its annual report to the Kimberley Process. The Panel has not yet had the opportunity to assess whether Liberia has addressed compliance issues regarding data-sharing requirements. The General Auditing Commission of Liberia released an audit in February 2010 that confirmed ongoing problems with the functioning of regional diamond offices, as well as raising a number of other issues, including variances in declared revenues and audited payments of mineral licensing fees.

Forestry and other natural resources

The Panel is consulting relevant agencies on conceptual and methodological issues with regard to assessing the contribution of natural resources to peace, security and development within the context of Liberia's evolving legal framework. The Panel is also collecting data on developments in Liberia in the natural resource sectors, such as forestry, mining and agriculture, in order to prepare for an assessment. As at 4 May 2010, logging companies had paid a total of $8.63 million to the Government of Liberia with outstanding payments totalling $4.53 million, including over $475,000 in late payment fees. On 10 May 2010, the Ministry of Finance indicated that it had asked the Board of Directors of the Forestry Development Authority to meet and to proceed with the termination of contracts for companies that had not paid all of their fees by 8 May 2010. The Liberia Extractive Industries Transparency Initiative has completed its second annual reconciliation of revenues. A number of significant mining and agricultural concessions are in the process of negotiation and/or ratification. Control and enforcement in artisanal mining areas remains problematic and land disputes continue to occur in various counties.

Information on designated individuals

The Panel has collected identifying information on three designated individuals: Slobodan Tešic, Orhan Dragaš and Aleksic Jovan. A United States federal court awarded compensation of $22.4 million in damages to five torture victims for atrocities they endured at the hands of Charles McArthur Emmanuel ("Chuckie") Taylor, Jr., and the Anti-Terrorism Unit forces under his command.

Travel ban

The Panel has found no evidence of violations of the travel ban for the reporting period. However, the Panel is still conducting investigations into past violations and alleged violations of exemptions/waivers granted by the sanctions Committee.

Assets freeze

The Panel of Experts has focused its attention on seeking to evaluate whether the Government of Liberia has moved forward on implementation of the assets freeze. There is currently no additional evidence of any intention to enforce the assets freeze in Liberia. The Panel has approached the Financial Action Task Force to obtain its support in encouraging a more proactive approach to compliance with the assets freeze in Liberia.

Arms embargo

The Panel of Experts has found no major violations of the arms embargo during the initial reporting period. However, resolution 1903 (2009) requires notification for exports of arms and ammunition and provision of military-related training activities to the Liberian security forces. The partial lifting of the arms embargo is generally well perceived by Government officials. They recognize, however, that Liberia requires a significant acceleration of the civilian security sector reform process and an increase in available resources in order to permit the Government to strengthen its capacity to effectively control its land and maritime borders and to provide an adequate level of security to its citizens. Liberia's compliance with international instruments for the proliferation control of small arms is a key factor in ensuring the long-term stability of the country and the subregion.

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I. Introduction

1. By resolution 1521 (2003), the Security Council imposed sanctions on exports of arms and ammunition to Liberia, a travel ban on individuals identified as constituting a threat to peace in Liberia, and sanctions on diamond and timber imports from Liberia. By resolution 1532 (2004), the Council imposed an assets freeze on Charles Taylor and his associates. The Council has since lifted the sanctions on timber and diamonds and has modified the arms embargo, notably by paragraphs 1 and 2 of resolution 1683 (2006) and paragraph 1 (b) of resolution 1731 (2006).

2. Most recently, by resolution 1903 (2009), the Security Council further modified the arms embargo so that it no longer applies to exports of arms and related materiels as well as provision of assistance, advice or training related to military activities to the Government of Liberia. Thus the only remaining arms embargo is a prohibition on the export of arms and ammunition to non-State actors and individuals in Liberia. By resolution 1903 (2009), the Council renewed the travel ban initially imposed under paragraph 4 (a) of resolution 1521 (2003) for a further period of 12 months and recalled that the assets freeze on designated individuals and entities imposed by paragraph 1 of resolution 1532 (2004) remained in force.

3. By resolution 1903 (2009) the Security Council extended the mandate of the Panel of Experts on Liberia to investigate and report on the relevant sanctions measures. The Council has specifically requested the Panel to monitor whether there are violations of the arms embargo and travel ban and to assess the impact and effectiveness of the assets freeze. The Panel was also given the task of identifying and making recommendations regarding areas where the capacity of Liberia and States in the region can be strengthened to facilitate implementation of the travel ban and assets freeze, and assisting the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists of the Committee.

4. In addition, the Council has mandated the Panel to assess the impact of the modified arms embargo, specifically its effect on the stability and security of Liberia; the contribution of forestry and other natural resources to peace, security and development in Liberia within the context of Liberia's evolving legal framework; and the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in that assessment.

5. In a letter dated 8 February 2010 addressed to the President of the Security Council (S/2010/79), the Secretary-General announced the reappointment of two members of the Panel of Experts: Wynet Smith (Canada, natural resources expert and Coordinator) and Hervé Gonsolin (France, arms expert) and appointed Rowan Bosworth-Davies (United Kingdom of Great Britain and Northern Ireland) as the new finance expert.

6. The present document is the midterm report of the Panel of Experts requested by the Security Council in paragraph 9 (f) of resolution 1903 (2009), summarizing its observations and conclusions for the period from 15 February to 10 May 2010.

II. Methodology and collaboration with stakeholders

7. The Panel began its investigations in New York during the week of 23 February 2010. The Panel has focused on collecting new data related to its mandate, both in Liberia and elsewhere. Members of the Panel conducted an initial mission to Liberia from 7 to 26 March 2010 and will undertake a number of other missions in the coming months. The Panel also has conducted visits to Switzerland (27-30 March), Belgium (30 and 31 March) and the United States (14-19 April) during the first few months of its mandate.

8. During its first mission to Liberia, the Panel conducted extensive interviews in Monrovia with Ministers and officials of a number of Government ministries and agencies as well as with various officials of the United Nations Mission in Liberia (UNMIL) and other organizations. The Panel initiated field investigations in several Liberian counties, undertaking a mission in March to Grand Gedeh, River Gee, Maryland and Grand Kru counties in the south-east of Liberia.

9. The Panel has received information and assistance from a wide range of actors both in Liberia and elsewhere. Annex I provides a list of organizations contacted by the Panel in the course of its investigations during the reporting period.

10. In its field investigations, the Panel is focused on collecting information related to, inter alia, arms/ammunition movements, natural resources, knowledge of the travel ban at border sites, and the effectiveness of controls at border crossings and within natural resource areas. This information will contribute to the Panel's task of assessing the impact of the change in the arms embargo; the effectiveness of the travel ban; compliance with the Kimberley Process Certification Scheme; and the contribution of natural resources to peace, security and development.

11. The Panel is pleased to report that, in general, relations with the Government of Liberia remain collaborative and transparent. On 14 April 2010, the Panel received an official response of the Government of Liberia to the previous report of the Panel (S/2009/640) (see annex II). The Panel notes that this response addresses only the portion of the report that dealt with the implementation of the Kimberley Process. Section IV of the present report addresses the Government's response in more detail.

12. As requested by the Security Council, the Panel is cooperating with the Group of Experts on Côte d'Ivoire appointed pursuant to resolution 1893 (2009) and with the Kimberley Process. The Panel has had ongoing communication with the Group of Experts, exchanging information both via telephone/e-mail and through face-to-face meetings. The Panel wrote to the Kimberley Process Chair on 24 February 2010 expressing the Panel's intention of cooperating with the Kimberley Process and requesting access to the Kimberley Process statistical website. Further details on this issue are provided in section IV.

III. Recent developments in Liberia and the region

13. The situation in Liberia is relatively calm although there have been some incidents of concern in the past few months, notably in Voinjama, Lofa County, Kordyou Town, Grand Bassa County, and Harper, Maryland County. On 26 February 2010, an outbreak of violence and use of shotguns and machetes occurred in

Voinjama; the clashes resulted in four casualties, a number of injuries, and destruction of property (including three churches and two mosques). Tensions have been high at various periods in Harper in relation to the alleged cases of ritualistic killings. Malicious rumours circulating in Nimba County during March 2010 have also generated concerns regarding the rule of law.

14. According to the Finance Minister of Liberia, the country's regrowth will rebound to 7 per cent in 2010, although that is well down from the 13 per cent projected before the economic crisis.[1] The head of an International Monetary Fund mission visiting Liberia in April 2010 has also noted that Liberia's economy is "emerging from a series of setbacks mostly rooted in the global economic downturn".[2] The International Monetary Fund is projecting growth in the range of 6 per cent for 2010. Late in March 2010, the World Bank promised further funding to Liberia as a part of a programme to support fragile States affected by the world economic crisis.

15. Effective monitoring and tracking of the poverty reduction strategy and county development agendas are central to the implementation of the Government's development policy and programmes at the county level. However, there are reports that indicate that county development steering committees, charged with coordinating the relevant work of all Government entities, non-governmental organizations, and international partners, have continued to meet irregularly in many counties. This situation is largely attributable to absenteeism on the part of the superintendents and the representatives of important line ministries and agencies. There are also allegations of misuse of county development funds and the General Auditing Commission of Liberia is conducting an audit of those funds.

16. There are ongoing delays with the passage of the legal framework for the 2011 presidential and legislative elections and those delays could potentially affect preparations for the elections. For example, the enactment of a threshold bill is considered a prerequisite to the delimitation of electoral constituencies for elections to the House of Representatives and the elaboration of a comprehensive voter register. The United States Ambassador handed over the newly reconstructed National Elections Commission Headquarters on 24 March 2010.

17. The Panel notes that the current President, Ellen Johnson Sirleaf, has declared her candidacy for the 2011 presidential elections. Others have also declared their candidacy, including Senator Prince Y. Johnson.

18. Liberia held a national conference on traditional justice in Gbarnga, Bong County, on 15 April 2010, which was attended by 150 participants, including the President, legislators, civil society groups, women's groups and traditional leaders.

19. In March 2010, the Government of Liberia hosted a conference of the Economic Community of West African States (ECOWAS) on the theme "Two Decades of Peace Processes in West Africa: Achievements, Failures, Lessons" in Monrovia. The conference provided an opportunity to evaluate the organization's efforts to resolve past conflicts and reflect on how to approach future conflicts. The conference also included a meeting of National Commissions on Small Arms with the purpose of reviewing the Commissions' activities in 2009, planning activities for

[1] Economic Intelligence Unit, "Liberia economy: Bouncing back" (26 April 2010).

[2] International Monetary Fund press release, 19 April 2010. Available from www.imf.org/external/np/sec/pr/2010/pr10157.htm.

2010 in line with the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, and discussing current security challenges in the Mano River Union.

20. In Côte d'Ivoire, tensions remain high and the country continues to be divided as the Front populaire ivoirien and the Forces nouvelles are still unable or unwilling to move the electoral process forward. The dismissal of the Government of Cote d'Ivoire and the Electoral Commission by President Laurent Gbagbo on 12 February 2010, and the outbreak of violence that followed and which resulted in several deaths, was a reminder of the still quite volatile security situation in the region. In its recent midterm report, the Group of Experts on Côte d'Ivoire pointed out that the political leaders in the north and the south appear unwilling to reunite the country because they benefit, politically and economically, from a divided country (S/2010/179, para. 5).

21. In Guinea, after Captain Moussa Dadis Camara was shot by a senior presidential guard in December 2009, the Defence Minister, Sekouba Konate, took temporary leadership of the military junta on 9 December 2010. An interim Government was appointed, comprising members of the opposition, trade unions and former junta members. The interim Government announced that presidential elections would be held on 27 June 2010 and that interim Government or junta members would be excluded from participating. Several senior military officials who are perceived to be allies of Dadis Camara were sacked and soldiers were arrested and accused of inciting mutiny. Opposition groups are still conducting protests in the capital, Conakry.

IV. Implementation of the Kimberley Process Certification Scheme

22. The Security Council lifted sanctions on the import of Liberian rough diamonds on 27 April 2007. Liberia has been a participant in the Kimberley Process since 4 May 2007 and began to export diamonds during September 2007. Specific requirements of the Kimberley Process Certification Scheme include issuance of certificates for each shipment; internal controls for both export and import of rough diamonds; maintenance and reporting of statistics; and cooperation and transparency.

23. Prior to the lifting of sanctions on diamonds, the Kimberley Process had conducted expert missions to verify the existence of a system that met the standards of the Kimberley Process Certification Scheme. Since Liberia's admittance to the Kimberley Process in May 2007, the Kimberley Process has conducted two review visits, the first in April/May 2008 and the second in May 2009.

24. The Kimberley Process report on the review visit in 2009 identified a number of ongoing challenges with regard to the implementation of Liberia's system of internal controls. The review visit team of 2009 noted that efforts to improve implementation appeared to have diminished and made a number of recommendations to improve Liberia's compliance with the Kimberley Process Certification Scheme. Rather than recommending a third review visit, the team proposed that Liberia's Kimberley Process Focal Point should provide the Chair of the Working Group on Monitoring with a full update on progress, including details

on each recommendation, and where no progress has been made. This update is due in May 2010. Upon receipt of the six-month update report, the Working Group on Monitoring is to make an assessment as to whether a further review visit is appropriate.

25. In its previous reports, the Panel has summarized Liberia's system of internal controls designed to meet the requirements of the Kimberley Process Certification Scheme and assessed the Government's implementation of the system (S/2007/689, paras. 19-25; S/2008/371, paras. 108-113; S/2008/785, paras. 18-56; and S/2009/640, paras. 21-77). The Panel noted in its most recent report (S/2009/640) that efforts in Liberia to implement the Kimberley Process Certification Scheme had diminished and that Liberia was not in compliance with data maintenance and sharing requirements.

26. To assess the Government's implementation of the Kimberley Process Certification Scheme, the Panel has focused its efforts on discussing collaboration with the Kimberley Process and on collecting required information and documents from Liberia regarding outstanding recommendations of the Panel and the Kimberley Process review visits of April/May 2008 and May 2009. However, the Panel is not yet in a position to report comprehensively on Liberia's progress towards addressing compliance issues as it does not have all the required information and is still discussing the assessment process with the Kimberley Process. Instead, the Panel provides a summary of its discussions with the Government of Liberia and the Kimberley Process in section A below and a summary of recent developments in the diamond sector in Liberia in section B. The Panel will provide a complete assessment in its final report in December 2010.

A. Discussions with the Government and with the Kimberley Process

27. The Panel had an initial meeting with the Minister and officials in the Ministry of Lands, Mines and Energy on 25 March 2010. At the meeting, the Panel submitted a request for various documentation, including the Ministry's workplan to address recommendations for improving compliance; an update on the status of production and export statistics for diamonds; and licensing information relating to mining, brokers and dealers. As at 3 May 2010, the Panel has not yet received all of the requested information, despite a follow-up request with Ministry officials.

28. As noted in section II, the Government of Liberia sent a written response to the Panel's last report (S/2009/640) on 1 April 2010. This response was transmitted to the Panel by UNMIL on 14 April 2010. The Panel notes that the Government indicated in its response that the Panel found it in non-compliance with the Kimberley Process Certification Scheme both in the introduction to its report and in paragraph 34. The Panel clarifies that it clearly indicated that the Government was in non-compliance only with regard to maintenance and sharing of data and that it had concluded that the Government was in danger of non-compliance in other areas, which reflected the findings of the 2009 Kimberley Process review visit.

29. The Panel notes that its assessment in some areas has been misinterpreted. For example, the Government's response indicates that the Panel wrote that the Government Diamond Office did not allow it to conduct analysis of its database. However, the Panel's point was that the database does not allow analysis of the links between mining vouchers, sales receipts and Kimberley Process certificates.

However, the Panel is pleased that the Government has indicated, at the meeting of 24 March 2010, that it is making progress in various areas, and looks forward to receiving documents related to these claims so that the Panel can verify progress and report on compliance.

30. As noted in section II of the present report, the Panel indicated its intention to collaborate in a letter to the Kimberley Process Chair dated 24 February 2010. In its letter, the Panel also requested access to the participants' statistical website to enable the Panel to assess compliance with data monitoring and reporting requirements. In addition, the Panel met with two officials of the European Commission, one of whom is Chair of the Kimberley Process Working Group on Monitoring, on 30 March 2010 in Brussels to discuss the modalities of collaboration. The officials stressed that they were pleased to collaborate but that they would prefer that the Kimberley Process provide specific data to the Panel rather than giving the Panel unlimited access to the participants' statistics website.

31. The Panel received a formal response from the Kimberley Process Chair on 27 April 2010, in which the Chair reiterated that the Kimberley Process recognizes that cooperation with the United Nations is "an important responsibility of the Kimberley Process Certification Scheme ... and that the Kimberley Process is committed to facilitating the timely sharing of information whenever possible". The Chair stated that any Panel request must be shared with members of working groups and any affected participant, and only in case there are no objections can the information be provided to the Panel, according to the administrative decision on sharing information with the United Nations approved by the Kimberley Process at its plenary meeting in November 2009 (see annex III). The Chair explained to the Panel that, because access to the participants' section of the statistics website was unlimited, he was asking the Panel to submit a request for specific information along with assurances of confidentiality that the information would not be further disclosed or used for purposes other than those described in the request.

32. The Panel is preparing a specific request for data and foresees no difficulty in providing assurances that it will respect confidentiality, except for the required task of reporting on Liberia's compliance. However, the Panel notes that the process outlined in the administrative decision is open to interpretation and can lead to lengthy delays, and even objections to the sharing of information, a concern the Panel raised in its previous report (see S/2009/640, paras. 73-74). The Panel will continue to engage with Kimberley Process participants in order to ensure that the Panel has access to the data it requires to undertake the tasks assigned to it by resolution 1903 (2009). The Panel Coordinator will attend the intersessional meeting in Israel in June 2010 to discuss any outstanding requests and to engage with relevant participants regarding assessing Liberia's compliance with the Kimberley Process Certification Scheme.

B. Developments in the diamond sector

33. According to the Ministry of Lands, Mines and Energy, the Government of Liberia issued 67 Kimberley Process certificates from 1 January to 20 December 2009 authorizing the export of just over 27,700 carats of rough diamonds valued at almost $9.13 million. The average value per carat was just over $329. The Government earned over $273,769 in royalties from those exports.

34. From September 2007 to December 2009, the Government has authorized the export of over 96,400 carats of rough diamonds valued at $21.67 million (see table 1). These exports have earned the Government just over $650,000 in royalties.

Table 1
Summary of Liberian rough diamond exports for 2007-2009
(United States dollars)

Time period	*Certificates (number)*	*Weight (carats)*	*Total value*	*Value per carat*	*Royalty*
September to December 2007	16	21 699	2 657 542	122.47	79 726
Total 2008	68	47 007	9 891 785	210.43	296 754
Total 2009	67	27 731	9 125 636	329.07	273 769
Total	**151**	**96 437**	**21 674 963**		**650 249**

Source: Government Diamond Office.

35. The Presidential Task Force on Diamonds met on 10 December 2009 after a 14-month hiatus and has held three more meetings (8 January, 23 February and 1 April 2010). The Task Force has endorsed a transition to a Precious Minerals and Kimberley Process Oversight Committee. This proposal has been forwarded to the President for her approval. The goal is to have the Oversight Committee in place by June 2010, pending the President's approval.

36. The Task Force reconvened a Technical Committee to work on an action plan (or matrix) related to Kimberley Process review visit recommendations. The Ministry of Lands, Mines and Energy has invited representatives from the Ministry of Justice and the Ministry of Finance to participate in the Committee. Civil society is also involved in this Committee.

37. At its meeting in December 2009, the Presidential Task Force on Diamonds approved the creation of a secretariat for the Task Force. The Technical Committee oversaw the development of terms of reference and the Task Force adopted these at its meeting in February 2010. The Ministry's Kimberley Process focal point will be the head of the secretariat and the Technical Committee will advise and support the secretariat.[3]

38. The Deputy Minister for Planning at the Ministry of Lands, Mines and Energy informed the Panel on 24 March 2010 that the Ministry and partners would finalize the matrix for addressing the recommendations made by the Kimberley Process review visits at the meeting of the Presidential Task Force on Diamonds on 1 April 2010. The Panel has requested a copy of the matrix from the Ministry but to date has only received a draft from other partners in the process. Other partners have indicated that the matrix was approved at the Task Force meeting on 23 February 2010.

39. With regard to reporting requirements of the Kimberley Process Certification Scheme, Liberia has submitted its annual report for 2009 to the Kimberley Process. As noted in paragraph 26, the Panel is not currently in a position to report on whether Liberia has improved its data reporting so as to be in compliance with production and export data-reporting requirements.

[3] Minutes of the meeting of the Presidential Task Force on Diamonds of 23 February 2010.

40. In both the report of the Kimberley Process 2009 review visit and the Panel's report of December 2009 it was noted that some of Liberia's regional diamond offices were not in operation at the time of the 2009 review visit. During February 2010, the General Auditing Commission of Liberia released an audit of the Ministry of Lands, Mines and Energy, which included an assessment of the functioning of the regional offices based upon visits by an audit team late in 2009. The audit team found that many of the eight regional offices they visited were not functional or that staff were uncooperative.[4] The audit supported most of the other findings of the Panel with regard to Liberia's compliance with the Kimberley Process Certification Scheme and raised a number of other issues, including problems with variances in declared revenues and audited payments on mineral licensing and royalty fees. Further details will be included in the Panel's final report.

41. Both the Panel and the Kimberley Process stressed the need for strengthening the rule of law. Recommendations included the establishment of full State control, improved collaboration, law enforcement training and insistence on application of the law. The Inspector General of the Liberia National Police has now been appointed to participate in the Presidential Task Force on Diamonds.

42. The Ministry of Lands, Mines and Energy held a week-long training workshop for 43 mineral inspectors late in March 2010. The workshop, which was conducted by senior staff from the Ministry in cooperation with the Liberia National Police and other law enforcement agencies, included an overview of the current regulations for prospecting and for mining licences, review of the implementation of the Kimberley Process Certification Scheme in Liberia, as well as ethics and reporting.

43. The European Commission support for technical advisers ended in December 2009. However, the Ministry currently has ongoing technical assistance through the involvement of UNMIL and United States Embassy staff, as well as other actors, in the Presidential Task Force on Diamonds and the Technical Committee meetings. The support of those staff members is essential to ongoing efforts to improve implementation.

44. USAID is set to embark on a new multi-year, multi-million dollar project, the Property Rights and Artisanal Diamond Development programme, to strengthen Kimberley Process implementation in Liberia. The project seeks to clarify and formalize land tenure rights for alluvial miners as part of the process of strengthening the chain of diamond custody required by the Kimberley Process Certification Scheme. The project will build upon previous support from the United States Government to the Ministry of $2.5 million that included the provision of advisers from the Governance and Economic Management Assistance Programme, who worked with the Ministry in evaluating mining regulations, internal procedures, and law, as well as development of a mining cadastre and Kimberley Process database.

V. Natural resources

45. The Panel is in the midst of conducting investigations in a number of areas with regard to its mandated task of assessing the contribution of forestry and other natural resources to peace, security and development in Liberia within the context of

[4] General Auditing Commission, HIPC Audit of the Ministry of Lands, Mines and Energy, February 2010.

the country's evolving legal framework. The Panel's methodology is threefold: review of key legislation; development of a conceptual and methodological framework for its assessment; and collection of data on each natural resource sector in Liberia, including forestry, mining, oil and gas, and agriculture (rubber and oil palm plantations).

46. The Security Council initially allowed timber sanctions to expire on 21 June 2006 and confirmed the lifting once Liberia enacted the National Forestry Reform Law in October 2006. Ten core forestry regulations were signed into effect on 11 September 2007. The Government of Liberia has since adopted other relevant legislation, including the Liberia Extractive Industries Transparency Initiative (LEITI) Act, the Lands Commission Act and the Community Rights with Respect to Forest Lands Act. Other laws and regulations are under development. The Panel is collecting and reviewing relevant legislation to identify major changes to the legal framework for the management of lands and natural resources. In addition, the Panel is following the development of new bills and regulations related to natural resources, including the comprehensive framework law for wildlife conservation and protection required by the National Forestry Reform Law.

47. With regard to the development of a conceptual and analytical framework, the Panel is collecting and reviewing materials on models for assessing natural resources and peace and development issues. The Panel has met with officials of the United Nations Development Programme and the Post-Conflict and Disaster Management Branch of the United Nations Environment Programme (UNEP). UNEP staff provided the Panel with a range of documents on the topic of natural resources, conflict and peacebuilding and expressed their support for the type of assessment the Security Council has requested the Panel to undertake. In this connection, they noted that there was still much work to be done in this area. The Panel has also held discussions with staff from the Peacebuilding Support Office of the United Nations, the International Union for Conservation of Nature and the Environmental Law Institute in Washington, D.C.

48. The Panel has also begun to collect data on the various natural resource sectors in Liberia. Given the range of resources, the Panel is currently focusing on the extractive sectors covered by the LEITI process: forestry, mining (diamonds, gold, iron ore), agriculture (rubber and oil palm concessions/plantations) and oil and gas. The Panel is also collecting information on land use and tenure issues. Specifically, the Panel is collecting data on both formal, licensed activities and informal, unlicensed activities occurring in the resource rich areas of Liberia. Relevant data include licences and concession agreements, formal revenue and employment data, informal sector data, opportunities and challenges, and information on any disputes and ways to resolve them.

49. Given the status of its enquiries, the Panel is not including an assessment in its midterm report. Instead, the rest of this section provides an update on some sectors and processes. The Panel will make its assessment in its final report in December 2010.

A. Update on forestry issues

50. As reported by the Panel in paragraphs 95 and 96 of its previous report (S/2009/640), many logging companies had not paid the fees due under their

forestry contracts as of late November 2009 (for both small timber sales contracts and the larger forest management contracts). According to information provided by the Société Générale de Surveillance, the chain of custody contractor, companies had paid a total of approximately $8.63 million to the Government of Liberia by 4 May 2010. Outstanding payments amount to approximately $4.53 million, including over $475,000 in late payment fees (see table 2).

51. While these revenues represent a significant improvement over the past two years, the total values remain well below the revenue projections from the logging sector identified in the Government of Liberia's poverty reduction strategy, which projected revenue of $24 million for the 2008-2009 fiscal year and $36 million for the 2009-2010 fiscal year. Given that the poverty reduction strategy projected a total of over $107 million for the period 2007-2011, the Government will have significant shortfalls in revenue from this sector. However, as noted in the previous Panel report, the Government of Liberia has since modified its expected revenues in the short term and was estimating $23 million for the 2009-2010 fiscal year (S/2009/640, para. 94).

Table 2
Forestry revenues paid as at 4 May 2010

(United States dollars)

Company	*Forest licence*	*Amount paid*	*Amount due*
Euro-Liberia Logging	FMC F	1 335 175.00	2 061 882.13
International Consultants Capital	FMC K	2 070 025.00	1 588 359.28
Geeblo Logging	FMC I	1 036 294.75	793 775.38
B&V	TSC A9	68 750.00	50 537.50
LTTC	FMC C	719 349.40	36 047.27
EJ&J[a]	FMC B	444 747.79	
Tarpeh Timber	TSC A2	82 453.33	0
B&B	TSC A7	17 640.00	0
Alpha Logging	FMC A	1 497 462.00	0
Atlantic Resources	FMC P	1 361 521.60	0
Total		**8 633 418.87**	**4 530 601.56**

Source: Société Générale de Surveillance data of 4 May 2010.

[a] EJ&J and Tarpeh Timber have also paid a total of $69,390.96 in stumpage fees and $62,676.15 in export fees as at 4 May 2010.

52. According to the Forestry Development Authority (FDA), the Government decided to be flexible because of the global economic crisis and provided revised deadlines of 31 January 2010 for payment of 50 per cent of all taxes owed, with the balance to be paid by 31 March 2010.[5] The Forestry Development Authority also stated that all overdue taxes/fees would incur a 5 per cent penalty and interest, in accordance with the provision of the tax code of Liberia, and that any company failing to clear its tax obligation by 31 March 2010 would have its contract terminated.

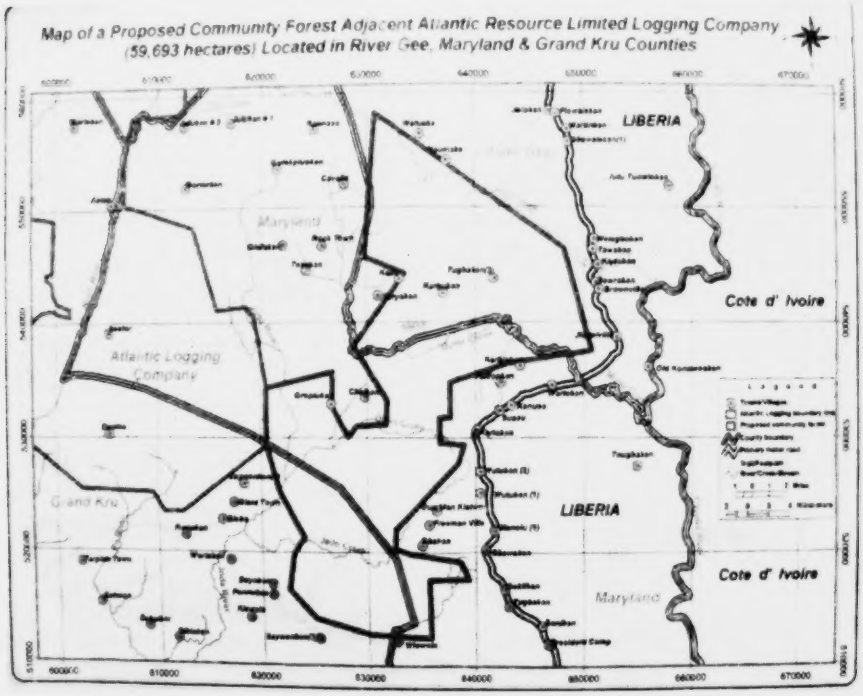
[5] Forestry Development Authority press release, 25 January 2010. Available from http://www.fda.gov.lr/press.php?news_id=244.

53. However, the Forestry Development Authority then sent a letter dated 8 February 2010 to all delinquent companies, which stated that the companies had until 8 May 2010 to meet their financial obligations, otherwise their individual contracts would be terminated.[6] The Panel confirmed these particulars with the Deputy Minister for Revenue of the Ministry of Finance on 28 April 2010. On 10 May, the Ministry of Finance indicated that it had requested the Board of Directors of the Forestry Development Authority to convene and to proceed with termination of the contracts for companies that had not paid all of their fees by 8 May. The Panel notes that at least some of the contracts were awarded under circumstances that were not always in accordance with the legal framework and to companies that did not always meet the standards of the due diligence process (see S/2009/640, paras. 87-93).

54. The Forestry Development Authority tendered five more timber sales contracts in February 2010 and bids were opened on 16 March (A-3, A-8, A-11, A-15 and A-16). The Panel will provide more details on this process in its final report.

55. The Panel was informed that there are plans for two community forests in south-eastern Liberia that would extend the holdings of Atlantic Resources (forest management contract P) by over 59,000 hectares (see map). The Panel is making further enquiries to determine whether these community forests are already approved and the process through which this happened.

Map of proposed community forests in south-eastern Liberia



Source: Forestry Development Authority office, Harper, Maryland County.

[6] Forestry Development Authority press release, 26 February 2010. Available from http://www.fda.gov.lr/press.php?news_id=249.

B. Update on the Liberia Extractive Industries Transparency Initiative

56. The Liberia Extractive Industries Transparency Initiative has released its second report on reconciliation of audited payments and revenues data provided by the relevant extractive companies (in the mining, oil and gas, forestry and agriculture sectors) and Government agencies for the 2008/09 fiscal year, which covers the period from 1 July 2008 to 30 June 2009. The report notes that the overall objective of the reconciliation exercise was to help the Government and people of Liberia to recognize the potential positive contribution that agriculture, forest, oil and mineral resources can make to economic and social development of the country as well as to realize these potentials through improved resource governance that encompasses and fully implements the principles and criteria of the international Extractive Industries Transparency Initiative.

57. The total revenue from the extractive industry sectors for the 2008/09 fiscal year was just over $35 million (see table 3). The initial amount declared by taxpayers was $32.39 million while the Government agencies declared $50.3 million, for a total difference of $17.9 million (or 36 per cent). After reconciliation, the remaining net difference was $144,995 or 0.4 per cent, with the taxpayer reporting $35.28 million and the Government reporting $35.425 million. The report states that the difference results from poor reporting or non-reporting by some mining and other companies (notably, SubSea Resources and Fundy Minerals). Most of the adjustments were the result of omissions due to either poorly organized accounting systems or hasty preparation of company submissions.

Table 3
Summary of 2008-2009 payments/revenues in extractive industry sectors
(United States dollars)

Sector	*Taxpayers' declarations*	*Government's declarations*	*Net difference*	*Percentage difference*
Agriculture	18 348 391	18 259 238	89 153	-0.5
Forestry	1 838 558	1 889 117	-50 559	2.7
Mining	10 632 601	10 816 190	-183 589	1.7
Oil	4 460 685	4 460 685	0	0
Total	**35 280 235**	**35 425 230**	**-144 995**	**0.4**

Source: Moore Stephens Chartered Accountants, Final report of the Administrators of the Second LEITI Reconciliation (February 2010).

58. According to the report, 72 companies declared payment of revenues to the Government of Liberia during the 2008/09 fiscal year, much higher than the initial 48 declarations expected initially. The reporting companies included 9 in the agriculture sector, 20 in the forestry sector, 38 in the mining sector and 5 in the oil sector. The auditors stated that the initial taxpayer database provided by the LEITI secretariat was not comprehensive and recommended that the secretariat should update its database following the reconciliation exercise and liaise with Government agencies to ensure that it obtains adequate information.

59. The Panel has begun to compare the information in the LEITI report to information on mining, broker and dealer licences previously obtained from the

Ministry of Lands, Mines and Energy. The Panel has noted that a number of companies identified as licence holders by the Ministry of Lands, Mines and Energy have not reported any payments to the Government through the LEITI process. Neither has the Government of Liberia reported revenues received from those companies. The total amounts due on the list of licences does not appear to match those reported as received by the Government of Liberia. A comparison of the LEITI-reported diamond export fees with information on diamond export fees provided by the Government Diamond Office also shows discrepancies between fees reported. The Panel is making further enquiries regarding the discrepancies and will report on the outcome of its investigations in its report of December 2010.

60. The LEITI report also notes that, while the initial template for reporting included amounts payable by taxpayers, this concept caused confusion and the secretariat of the Liberia Extractive Industries Transparency Initiative then agreed with the auditors that the template should be restricted to amounts actually paid. The Panel notes that, while this step simplified the reporting, in the long term, reporting of payments due is an important element to include as it would provide an indication of any unpaid fees and provide a solid foundation for analysis of reasons for any underpayments. Given recent developments in the forestry sector, as well as potential discrepancies in the mineral sector, this step seems important if the Government is to track its shortfalls.

C. Other developments and issues

61. According to the 2009 annual report of the Ministry of Lands, Mines and Energy, 30 companies applied for 45 mineral exploration licences. After vetting, the Ministry recommended to the Interministerial Concessions Committee the issuance of 20 exploration licences. Eight companies were granted two-year extensions on their licences while five companies were not granted extensions. Eight companies had their mineral exploration licences terminated or cancelled for non-compliance with the terms of their agreements. Various mineral development agreements have either been recently signed or ratified or are under negotiation.

62. Unregulated natural resource extraction activities, including pit-sawing and mining, continue in many areas of the country. The Panel witnessed unlicensed gold mining activity in south-eastern Liberia during its trip in March 2010. The Auditor General's report on the Ministry of February 2010 also addresses the issue of illicit mining. Re-establishing full control in rural, natural resource-rich areas remains a significant challenge for the Government of Liberia.

63. On 16 March 2010, there was an outbreak of violence at the Hummingbird Resources Mineral Exploration Company's camp, near Greeville, Sinoe County, south-eastern Liberia. Approximately 50 members of the local community attacked the camp, injuring British and other expatriate workers and damaging the site. The incident is alleged to be related to community concerns about water pollution by the mining company. Neither Liberia National Police officers nor UNMIL were able to reach the site until 24 hours after trouble broke out.[7]

[7] United Kingdom, Foreign and Commonwealth Office press release. Available at http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/sub-saharan-africa/liberia.

64. The Lands Commission office in Monrovia was formally opened on 11 March 2010. The Lands Commission has begun to hold meetings in some counties. Its work will be important given the various sources of land conflicts that exist. While visiting the four counties in south-eastern Liberia, the Panel was informed by a number of agencies and individuals that land disputes continue to occur. These conflicts stem from county- and district-level demarcation problems arising from clan and individual-level disputes.

VI. Information on listed individuals

65. The Security Council asked the Panel to assist the sanctions Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists. The Panel continues to collect information, wherever possible, to assist the Committee in this regard.

A. De-listings

66. The Committee de-listed one individual, Ali Kleilat, on 16 December 2009.[8] There are currently 45 individuals on the travel ban list and 22 on the assets freeze list, as well as 30 entities on the assets freeze list.

67. The former finance expert of the Panel has requested de-listing for one individual on the travel ban and assets freeze list in exchange for his payment of a sum of money into an escrow account that would then be paid to the Government of Liberia. The Panel notes that the guidelines for de-listing allow only an individual or a Member State to request de-listing, so that this case does not appear to meet the required protocol. The Panel discussed this case with the Minister of State for Presidential Affairs on 25 March 2010, who was not certain if it was officially backed by the Government of Liberia and promised to make enquiries and let the Panel know before the end of April 2010. The Panel followed up with his staff during the week of 27 April 2010 and is awaiting a response. The Panel addressed a letter dated 7 May 2010 to the Government of Liberia with regard to a number of issues and has requested a formal response on this case.

B. Updates on individuals and individuals' identifiers

68. The Panel has previously reported that Charles McArthur Emmanuel ("Chuckie") Taylor, Jr., was sentenced to 97 years in prison in January 2009 for torture, firearms possession and conspiracy in Liberia. On Friday, 5 February 2010, the United States federal court in a civil case against Charles Taylor, Jr., awarded a total of $22.4 million in damages to five torture victims for atrocities they endured at the hands of Taylor, Jr., and the Anti-Terrorism Unit forces under his command.

69. Following a request by the Panel in a letter dated 27 March 2009 for information about Edwin Snowe and Talal Nasr El Dine, the Lebanese authorities informed the Panel in a letter dated 20 April 2010 that Edwin Snowe has not

[8] United Nations press release, 16 December 2009. Available from http://www.un.org/News/Press/docs/2009/sc9822.doc.htm.

returned to Lebanon since 25 March 2004. They did not provide information about Talal Nasr El Dine since he was de-listed by the Committee on 8 June 2009.[9]

70. In response to a request for information sent on 21 April 2009, the Panel has been able to obtain from Serbian authorities some further identifiers on three listed individuals (see table 4).

Table 4
Identifiers for three listed individuals

Name	*Birth place*	*Date of birth*	*Current passport details*	*Current address*
Slobodan Tešic	Kiseljak, Bosnia and Herzegovina	21 December 1958	No. 006312941 (non-biometrical) issued by the Police Department of Belgrade on 13 May 2008	Koste Racine 5, Belgrade
Orhan Dragaš	Prizren, Serbia	20 December 1974	No. 006915870 (biometrical) issued by the Police Department of Belgrade on 24 November 2008	Nikole Bobrovica 13, Belgrade
Jovan Aleksic	Jagodina, Serbia	26 June 1950	No. 007202697 (biometrical) issued by the Police Department of Belgrade on 9 April 2009	Antifasisticke Borbe 13, Belgrade

Source: Letter dated 28 January 2010 from the Permanent Mission of Serbia to the Panel of Experts.

71. Guus Kouwenhoven was de-listed from the travel ban and assets freeze lists by the Committee in December 2008. However, the Panel notes that in April 2010 the Supreme Court of the Netherlands overturned a 2008 ruling by the Court of Appeal which cleared businessman Guus Kouwenhoven of charges of involvement in illegal arms deals and war crimes during the civil war in Liberia from 2000 to 2003.[10] The Court of Appeal will now have to re-examine the case and make a new judgement. The Panel recalls that Kouwenhoven was head of the Oriental Timber Corporation during the regime of President Charles Taylor.

VII. Travel ban

72. The Security Council imposed a ban on travel for designated individuals in paragraph 4 of resolution 1521 (2003) to hinder the ability of those individuals to contribute to instability in Liberia and the region. The Council renewed the sanctions in resolution 1903 (2009) in December 2009.

73. The Council also decided that it would review any of the above-mentioned measures at the request of the Government of Liberia, once the Government

[9] United Nations press release, 8 June 2009. Available from http://www.un.org/News/Press/docs/2009/sc9674.doc.htm.

[10] Court press release, 20 April 2010. Available from http://www.rechtspraak.nl/Gerechten/HogeRaad/Actualiteiten.

reported to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures had been met, and provided the Council with information to justify its assessment.

74. The Council has given the Panel the task of monitoring the implementation and any violations of this measure. The Panel is also asked to make recommendations regarding areas where the capacity of Liberia and the States in the region can be strengthened to facilitate the implementation of the travel ban.

75. To assess implementation of the travel ban and identify violations, the Panel requested approved waivers from the United Nations Secretariat. The Panel also has written to a number of Member States requesting information related to alleged movements of individuals on the travel ban list. The Panel will compare the responses it receives with the list of waivers granted by the Committee. The Panel has held discussions with senior officials in the Ministry of Foreign Affairs, the Bureau for Immigration and Naturalization and the Presidency in Liberia regarding the travel ban.

A. Implementation and violation of the travel ban

76. The Panel has found no evidence of violations of the travel ban for the reporting period. However the Panel is still conducting investigations into the potential violation in October 2009 by Cyril Allen and violations of the terms of travel ban waivers granted to Edwin M. Snowe and Jewel Howard Taylor in 2009 as previously reported by the Panel (see S/2009/640, paras. 127, 129 and 130). The Panel has written to the Permanent Missions of Côte d'Ivoire, Ghana, Liberia and Nigeria requesting assistance.

77. In a letter dated 25 March 2010, Edwin Snowe responded to the Panel about his non-compliance with the conditions of the waivers for the trip to Accra from 27 January to 3 February 2009, instead of 30 January as granted by the Committee, and for the second trip to Accra from 2 to 9 June 2009, instead of 6 June as granted by the Committee (see S/2009/640, para. 129). He states the "information that I did not [comply] ... with the strict conditions of the waivers granted by the sanctions committee ... on two occasions is correct". However, he informed the Panel that his "extended stay was in Ghana in conformity with my waivers" and that he "informed the Committee with supporting medical documents on the causes of my extended stay immediately upon my return to Liberia". He notes that he was advised by the Committee that in the future he must inform the Committee before any postponement in line with the protocol of the sanctions regime.

78. With regard to paragraph 129 of the Panel's report (S/2009/640), Mr. Snowe writes: "I state without equivocation that I never travelled to Accra on 27 January [2009] aboard Emirates Airline flight 788 or any flight from Abidjan. Equally I did not depart Ghana on 3 February [2009] aboard Emirates Airlines 787 or any flight for that matter to Abidjan". He claims that he departed Monrovia for Accra via Virgin Nigeria Flight 806 on 27 January 2009 and returned to Monrovia from Accra on 3 February 2009 via Virgin Nigeria Flight 807. With regard to the second waiver granted for 2 to 6 June 2009 for travel to Ghana, Mr. Snowe states that the "claim by any Ghanaian authority that I travelled to and from Lagos on Virgin Nigeria Airlines is imagined and false". He states that he departed Monrovia for Accra on 2 June

2009 via Virgin Nigeria Flight 806 and returned on 9 June 2009 via Virgin Nigeria Flight 807 from Accra to Monrovia.

79. In 2010, the Secretariat responded to four requests from two designated individuals (see table 5).

Table 5
Travel ban waivers

Requested by	*Requested dates of travel*	*Destination*	*Status*	*Remarks*
Tupee E. Taylor	6-25 February 2010	Nigeria	Approved	—
Jewel Howard Taylor	13-27 March 2010	Ghana	Approved	Did not travel
Jewel Howard Taylor	24 March-7 April 2010	Ghana	Not considered	Submitted too late
Tupee E. Taylor	Not specified	Nigeria	Pending	No date nor itinerary

Source: United Nations Secretariat, Security Council Subsidiary Organs Branch.

B. Information on State capacity

80. The Liberian Minister for Foreign Affairs informed the Panel on 9 March 2010 that her Ministry was not receiving information from New York on travel ban waivers and that this was causing complications. The Panel informed the Minister that the Permanent Missions to the United Nations of all concerned Member States are informed by the Committee Chair about any travel ban waivers granted. The Panel does not know why this information is not reaching Liberia.

81. Similarly, at a meeting on 12 March 2010, the Deputy Commissioner of the Bureau of Immigration and Naturalization complained that, while his agency knows about the travel ban and the list of names, it does not receive copies of the waivers and de-listing decisions from the Ministry of Foreign Affairs. He also informed the Panel that the Bureau does not have the capacity to enforce the travel ban. He noted that there "may have been occasions where persons subject to the travel ban may have left the country via some of the exit routes at the borders as well as cases of those persons who have travelled abroad without formal approvals".

VIII. Assets freeze

82. In resolution 1903 (2009), the Security Council recalled that the assets freeze measure imposed by paragraph 1 of resolution 1532 (2004) remains in force. The Council, expressing its serious concern at the lack of implementation of the assets freeze in Liberia, demanded that the Government of Liberia make all necessary efforts to fulfil its obligations.

83. Pursuant to its mandate to assess the impact and effectiveness of the assets freeze, the Panel has undertaken investigations both within and outside Liberia. Within Liberia, the Panel has focused on determining whether the Government of Liberia is willing and able to act on the assets freeze.

84. During the reporting period, the Panel has focused on reviewing primary evidence still available to assist in an assessment of the impact and effectiveness of the assets freeze. The Panel has been reviewing the information currently in its possession and will compare that with new information and evidence as it becomes available. The intention is to focus on specific assets which may lead to a more comprehensive identification of jurisdictions that should be implementing the assets freeze.

85. The Panel has initiated a review of the actions of Liberia and other Member States. The Panel is preparing new letters to the relevant Member States with outstanding actions requesting that the information requested be provided. The Panel has also held meetings with Liberian officials to confirm any actions taken to comply with obligations relating to resolution 1532 (2004).

A. The assets freeze in Liberia

86. Within Liberia, the Panel has been focused on determining whether the Government of Liberia is willing and able to act on the assets freeze. At a meeting on 24 February 2010 with the Permanent Representative of Liberia to the United Nations, the Ambassador noted that it was politically challenging for Liberia to implement the assets freeze, given that the culture and the precedents are not present in Liberia, and it is potentially divisive.

87. Various officials within Liberia, including the Minister for Foreign Affairs at a meeting on 9 March 2010 and the Minister of State for Presidential Affairs at a meeting on 25 March 2010, referred the Panel to the Ministry of Justice for an update on the status of the assets freeze in Liberia.

88. The Panel has previously reported that on 3 August 2009 it met with Micah Wright, the Solicitor General of Liberia, to discuss the assets freeze sanction (see S/2009/640, para. 132). At a follow-up meeting on 25 March 2010, the Panel met with the Minister of Justice and the Solicitor General to discuss various issues, including the implementation of the assets freeze. The Minister of Justice and the Solicitor General stated they were not in a position to update the Panel on the implementation of the assets freeze. The Solicitor General stated that his office had not been provided with briefing materials by the last finance expert of the Panel and was not in a position to proceed further on the basis of the information available to his office. The Panel delivered various background materials to the office of the Solicitor General on 26 March 2010.

89. According to the information the Panel has as at 30 April 2010, the Government of Liberia has not implemented the assets freeze and is unlikely to do so, at least in the short term.

90. The Panel has reported previously that PLC Investments Ltd and some designated individuals objected to court-issued warrants relating to bank account records from banks in Liberia and obtained a writ of prohibition, thus staying the production of account records. The court scheduled a hearing for the writ for the third quarter of 2009. No verdict had been rendered as at the time of writing of the last report (see S/2009/640, para. 133). The Panel has no further information on the case at this time.

B. Assessing implementation elsewhere

91. Previous Panels have undertaken significant asset-tracing work through various official requests for assistance in obtaining required documents. Documents collected during the past two years consist of a significant body of photocopied bank evidence and other papers relating to some designated individuals and entities, as well as others who have not been immediately identified as being connected directly to Charles Taylor or his close circle.

92. The Panel will focus on a detailed analysis of the cash flows identified in those documents in order to ascertain if as yet unidentified payments have been made to third parties. It should be noted, however, that some of the issues identified regarding the South-East Asian entities are of historical interest only, some of the entities dating back many years, and these will not be included in the analysis.

93. The Panel has recently been informed of the existence of financial records, written documents and other possible evidence, currently in the control of the Anti-Fraud Department of the European Commission. The Panel met with an official of the Anti-Fraud Department on 31 March 2010 in Brussels, where the relevant documents were inspected and examined. The documents consist of a large volume of bank records, and corporate documentation, which are reported by the Anti-Fraud Department to demonstrate an alleged attempt by the former President of Liberia, Charles Taylor, to transfer money to unnamed associates in Belgium with a view to having those monies used for the purpose of bribing European Union officials. The documents are reported to disclose evidence of new bank accounts and corporate records hitherto not known to the Panel, and which may be a valuable source of new information. The Panel made a formal written request to the Netherlands authorities on 8 April 2010 to be granted access to copies of those documents.

C. Further options

94. The Panel has sought to identify other means of diplomatic support and assistance for implementation of the assets freeze in Liberia. The Panel has initiated enquiries with a senior official at the Financial Action Task Force to ascertain what support might be obtained from that office. The Financial Action Task Force is the international supervisory body which oversees the global commitment to "best practice" in implementing and enforcing global anti-money-laundering laws and regulations. They have published an internationally accepted series of what are universally known as the 40+9 Recommendations, which mandate a standard of internationally recognized best practices. States that are either members of the Financial Action Task Force, or members of one of the geographically aligned groups of States that have agreed to recognize and be bound by the Recommendations, are expected to give full recognition to those requirements and to implement them.

95. Liberia is a member of the Intergovernmental Anti-Money-Laundering Group in Africa, a geographically aligned body which includes countries of West Africa, and is thus subject to those commitments. The benefits attached to being a member of such a body include recognition that the member concerned is engaged in "best practice" and is willing to give full recognition to any requests for freezing criminally acquired assets. Such a recognition means that such a country can do

business in a global environment at a standard which is recognized as being an acceptable one and which does therefore not demand extra added due diligence.

96. The Financial Action Task Force routinely examines the activities of those countries that maintain a commitment to its Recommendations, and can, if necessary, bring remedial action to ensure that an individual member is acting according to the requirements of membership. A failure to provide a "best practice" environment can result in a country being listed as being required to undertake significant levels of extra added due diligence and investigation before undertaking any financial business.

IX. Arms embargo

97. As noted in the introduction, the Security Council lifted the embargo on arms and ammunition exports to the Government of Liberia in resolution 1903 (2009), leaving only an embargo on exports to non-State actors and individuals in Liberia.

98. However, resolution 1903 (2009) requires that all Member States "notify in advance to the Committee any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government of Liberia" (para. 6). The Council also stressed the importance of such notifications containing all relevant information, including the type and quantity of weapons and ammunition delivered, the end-user, the proposed date of delivery and the itinerary of shipments. In resolution 1903 (2009) the Council also reiterates that the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken (para. 6).

99. The Security Council gave the Panel the task of investigating the implementation, and any violations, of the measures imposed by paragraphs 4 and 6 of resolution 1903 (2009) and resolution 1521 (2003), as amended by paragraphs 3 and 4 of resolution 1903 (2009) and assessing the impact of the change in the embargo on the stability and security of Liberia (resolution 1903 (2009), para. 9).

100. The Panel conducted investigations by reviewing documentation provided by States and national, regional and international organizations, and conducting field trips and interviews. During its mission to Liberia, the Panel conducted investigations in Monrovia, Grand Gedeh, River Gee, Maryland and Grand Kru counties. It met with officials of Liberian ministries, county officials, representatives of private companies and civil society organizations. The Panel is regularly cross-checking information with the Group of Experts on Côte d'Ivoire.

A. Violations of the arms embargo

101. During this reporting period, the Panel has found no evidence of unauthorized shipments of arms or ammunition or unauthorized provision of assistance, advice or training related to military activities.

102. However, cross-border movements of single-barrel guns and ammunition between Guinea, Côte d'Ivoire and Liberia are still reported by the local population and the authorities. UNMIL has reported several cases of criminal activities

committed with automatic weapons but no reference is made to the possible origin of the weapons.

103. In March 2009, a public announcement stated that a Serbian intelligence agency had blocked an arms shipment carried out by Melvale Corporation, owned by Slobodan Tešic, a designated individual on the travel ban list.[11] On 21 April 2009, the Panel wrote to the Government of Serbia asking for further information on that case, as well as for information about Slobodan Tešic and two other Serbian citizens listed on the travel ban (Orhan Dragaš and Aleksic Jovan).

104. In a letter to the Panel dated 29 January 2010, Serbia did not confirm or deny the allegation. The letter stated that "Upon inspection of submitted documentation, it was established that the Libyan importer Temporary General Committee for Defence Procurement has submitted appropriate documents". The delivery status of the arms shipment remains unclear. As a listed individual is directly involved in this suspicious arms shipment and as the Panel was unable to identify the Temporary General Committee for Defence Procurement, it will ask the Serbian authorities for a copy of the end-user certificate and will continue its investigations into the matter.

105. The Panel notes that Melvale Corporation is owned by a designated individual involved in a violation of the United Nations arms embargo on Liberia in at least one documented case (see S/2003/498, paras. 74-87). Furthermore, the company is mentioned by human rights groups as having been involved in an illegal arms transfer during the war between Georgia and the Russian Federation in 2008. Melvale Corporation has an office in Belgrade but is officially registered in the Seychelles (Oliaji Trade Centre, Suites 25 and 27, 2nd Floor, Francis Rachel Street, Victoria, Seychelles). The owners are Nenad Sharenach and Slobodan Tešic. Its registered activity is the selling of "mineral and metals, iron and non-alloy steel".

B. Authorized provision of arms, related materiel and military assistance, advice or training

106. In a note verbale dated 25 February 2010, the Permanent Mission of the United Kingdom to the United Nations notified the Committee in accordance with paragraph 6 of resolution 1903 (2009) of its intention to provide various weapons, including 133 AK-47 rifles, 38 machine guns, 3 recoilless launchers and 29 rocket-propelled grenade launchers to the Armed Forces of Liberia as part of a United States training programme. This advance notification did not mention the proposed date of delivery and the itinerary of shipments including the mode of transport and the entry points where the materiel would be imported into Liberia.

107. The importance of providing the Committee with this information in advance was stressed in paragraph 6 of resolution 1903 (2009) and subsequently also in the revised guidelines of the Committee for the conduct of its work,[12] which contain as an annex an advance notification form for use by States in connection with any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government of Liberia (see annex IV to the present report). Without this

[11] *Source*: Radio B92, Belgrade.

[12] The revised guidelines are available on the Committee's website: http://www.un.org/sc/committees/1521/index.shtml.

information, UNMIL will not be in a position to monitor and inspect the delivery of shipments of arms and related materiels into Liberia.

108. However, the UNMIL Force Commander informed the Panel on 8 March 2010 that UNMIL had also been informed of the shipment and had received further details. The shipment should have been delivered in February/March 2010, but delivery was postponed to a later date for various reasons and a date for delivery has not yet been set, according to the UNMIL Force Commander.

109. The Governments of China, France, Nigeria, Rwanda, Sierra Leone, the United Kingdom and the United States of America are currently conducting different types of training activities for the Liberian National Police and the Armed Forces of Liberia inside and outside Liberia. The Panel is currently checking whether the above-mentioned Governments have requested an exemption (before the adoption of resolution 1903 (2009) on 17 December 2009) or submitted an advance notification (after the adoption of the resolution) as required under paragraph 6 of the resolution. According to the revised guidelines of the Committee such notifications should specify the type of assistance, advice or training to be provided, the recipient(s) and the location.

110. On 25 March 2010, the newly formed Liberian Coast Guard launched, for the first time, an unarmed inflatable boat. The Coast Guard's base on Bushrod Island is being re-established and is undergoing improvements that are being executed and overseen by a unit of a United States Naval Mobile Construction Battalion. The unit is working on three infrastructure construction projects valued at $1.3 million — a pier, a boat ramp and perimeter wall, all of which are being funded by the Counter-narcotics and Law Enforcement Division of the United States Africa Command. A United States Coast Guard mobile training team will be giving courses in Liberia in April and May. Fifteen members of the Liberian Coast Guard are currently participating in the Africa Partnership Station aboard a United States ship. Throughout the next three years the United States Government will provide $5 million worth of training, equipment and infrastructure to the new Coast Guard.[13]

111. The United States Government has signed with the United States-based company DynCorp International a new order with a total value of $20 million over two years for operations and maintenance support of the Armed Forces of Liberia at Edward B. Kesselly Barracks and Camp Ware.[14] Services provided will include electrical power generation, water supply, waste disposal and vehicle maintenance. Under a previous task order on a State Department Africa peacekeeping contract, DynCorp International recruited, vetted and trained the basic infantry and non-commissioned officers of the new Armed Forces of Liberia.

C. Effects of the modification of the arms embargo on the stability and security of Liberia

112. The Panel discussed the modification of the arms embargo with numerous Liberian officials and members of civil society. The partial lifting of the arms embargo is generally well perceived and considered a signal of confidence of the international community in the progress made by Liberia. However, many people

[13] See article at http://www.africom.mil/getArticle.asp?art=4294&lang=0.

[14] See press release at http://ir.dyn-intl.com/releasedetail.cfm?releaseid=441249/.

also expressed concern about the increasing responsibilities of the Government of Liberia and the inherent challenges given the still weak security sector.

113. Several governmental officials, including the Minister of Justice, the Inspector General of Police and the National Security Adviser, informed the Panel that providing the Liberian National Police with additional weapons was not considered a major priority for the Government. There is currently no budget for that purpose and selected officers who might be provided with weapons must be first adequately vetted and trained. The Panel is not aware of any current plan to order additional arms for the police or other civilian security forces under the new procedure.

114. Liberian security institutions still depend heavily on UNMIL forces and logistical means to maintain law and order. In the context of the UNMIL drawdown, Liberian security forces do not currently have the capacity to take full responsibility for enforcing law and order. With the support of international partners, the Government has prepared a plan to restructure the security sector. Some agencies would merge, others would be dissolved. The plan is still under discussion, however, and is not likely to be finalized and implemented soon, given the resistance it is facing within the State security apparatus, which comprises 11 different institutions.

115. The capacity to control borders remains extremely low. According to the Bureau for Immigration and Naturalization, of 176 border entry points, 36 are currently manned by immigration officers with very few vehicles, no radio communication equipment and sometimes no office.

116. According to the Inspector General of Police, the Liberian National Police consists of 280 officers in the Emergency Response Unit, 200 in the Police Support Unit and around 3,000 regular police officers, adding up to around 3,500 officers. The Chief of Police informed the Panel that his strategic goal is to increase the number of Police Support Unit officers by 1,000 to 1,500 officers. In 2009/10, the Liberian National Police received a budget allocation of $8 million, half of the amount initially requested.

117. The Ministry of Defence informed the Panel that several years and additional resources are necessary before the Armed Forces of Liberia reach significant operational capacities. Furthermore, the Armed Forces of Liberia, consisting of 2,000 men and women, are not expected to have the capacity to secure the whole Liberian territory and have not yet been assigned a specific mandate. According to the Ministry of Defence, given the absence of an external threat, priority should be put on institution-building, the rule of law and the regular police.

D. Capacity of the Government to control weapons

118. In a letter dated 26 March 2010, the Chairman of the Security Council Committee drew the attention of the Under-Secretary-General for Peacekeeping Operations to the recommendations made by the Panel to support the Government of Liberia in establishing a proper weapons and ammunition control system (see S/2009/640, paras. 202-206). He also asked for a response on the actions taken in connection with those recommendations.

119. In January 2010, Liberia submitted to the Office for Disarmament Affairs of the United Nations Secretariat its third national report on the implementation of the

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.[15]

120. However, contrary to the 2010 Liberia national report, the marking and tracing procedure does not comply with the requirements of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons for the following: the simple marking on each imported small arm or light weapon that permits identification of the country of import and, where possible, the year of import; the unique marking and recording of all illicit small arms and light weapons that are found in its territory; and the establishment of an accurate and comprehensive record for all marked small arms and light weapons, which is then maintained to enable the competent national authorities to trace illicit small arms and light weapons in a timely and reliable manner (see paragraphs 8, 9 and 11 of the International Tracing Instrument[16]). Unless it complies with those very basic requirements, it is unlikely that Liberia will be in a position to initiate or respond to tracing requests in a prompt, timely and reliable manner as required by the International Tracing Instrument.

121. Executive Order No. 6, on a total ban of firearms, expired at the end of 2007. The only existing instrument is the not currently in force Firearms Traffic Act, included in the National Defence Law, adopted in 1956.

122. The ECOWAS Convention on small arms entered into force on 29 September 2009. Liberia, as a ratifying member, must take measures to comply progressively with the obligations under the ECOWAS Convention, which include regulation of the possession, use and sale of small arms by civilians (including for hunting purposes); establishment of a national computerized register and database; establishment of effective national standards and procedures for stockpile management, storage and security; establishment of responsibility and building national capacity (equipment and know-how) to properly collect and destroy small arms and light weapons and their ammunition; and establishment of an effective national system of marking and tracing.

123. In March 2010, the UNMIL Central Database Advisory Unit demonstrated to the Panel a recently developed database aimed to register weapons and ammunition. This tool was put at the disposal of the Liberian National Police in January 2010. This meets the ECOWAS Convention requirement and the Panel will monitor the implementation process by the Liberian National Police and its provision to all the other security institutions and agencies in charge of weapons and ammunition.

124. Weapons, ammunition and unexploded ordnance are discovered frequently in Liberia, mainly in the northern and western parts of the country. According to UNMIL statistics, in a period of two months from 1 February to 8 April 2010, nine small arms (two AK-47 rifles, seven rocket-propelled grenades), around 60 explosive devices (unexploded ordnance, grenades, mortar shells) and 2,500 bullets of various calibre were reported by UNMIL troops or Liberian authorities. Liberian authorities have no capacity to properly collect and dispose of these arms and explosives.

[15] The Liberia national report is available from www.un-casa.org/CASACountryProfile/PoANationalReports/2010%20National%20Report-Liberia(en).pdf.

[16] See A/60/88 and Corr.2.

X. Recommendations

125. The Panel has a number of recommendations regarding its findings in the first part of its mandate. Its recommendations from previous reports also remain valid.

126. The Panel recommends that the Kimberley Process reconsider the wording of the administrative decision for sharing information with United Nations panels/groups of experts to ensure that the mandates of these Security Council bodies are not affected by delays or the unwillingness of some Participants to share necessary information.

127. The Panel recommends that the Security Council continue to renew the UNMIL mandate to provide assistance to the Government of Liberia in re-establishing proper administration of its natural resources and authority in mining and forestry areas.

128. In order to improve the communication process about waivers and de-listing of individuals at the Liberian level, the Panel recommends that UNMIL communicate directly to the Liberian Ministry of Foreign Affairs and the Ministry of Justice any information received from the Committee on waivers.

129. The Panel recommends that the Government of Liberia demonstrate its commitment to international obligations by implementing the assets freeze in Liberia.

130. The Panel urges all Member States with which it has outstanding information requests to forward such information to the Panel in as expeditious a manner as possible.

131. As the discovery and disposal of unexploded ordnance will be a long-lasting public safety issue in Liberia, the Panel strongly recommends UNMIL to support the creation of an explosive ordnance disposal specialized unit as part of the Liberian National Police and gradually hand over this activity to the Liberian authorities.

132. The Panel encourages all Member States notifying the Committee in advance pursuant to paragraph 6 of resolution 1903 (2009) to make use of the advance notification form annexed to the revised guidelines (see annex IV).

Annex I

Meetings and consultations held by the Panel of Experts

Brussels

European Commission

Canada

Foreign Affairs and International Trade Canada; Natural Resources Canada

Liberia

Government

Bureau of Immigration and Naturalization; Drug Enforcement Agency; Forestry Development Authority; Liberia National Police; Ministry of Defence; Ministry of Foreign Affairs; Ministry of Gender; Ministry of Justice; Ministry of Labour; Ministry of Lands, Mines and Energy; Ministry of National Security; Minister of State for Presidential Affairs; National Security Adviser; county authorities in Grand Gedeh, River Gee, Maryland and Grand Kru counties

Others

Barteh Jam Mining Committee, Grand Gedeh; Cavalla Rubber Plantation; Putu Iron Ore Mining Company; Peacebuilding Committee of Barclayville, Grand Kru County; youth groups in Zwedru, Grand Gedeh County, and Harper, Maryland County

Bilateral and multilateral organizations

United Nations Mission in Liberia; Embassy of the United States of America; Political Mission of the United Kingdom of Great Britain and Northern Ireland; World Bank

Switzerland

Geneva Call; Group of Experts on Côte d'Ivoire; International Union for the Conservation of Nature and Natural Resources; United Nations Environment Programme

United States of America

United Nations Development Programme; Departments of Political Affairs and Peacekeeping Operations of the United Nations Secretariat; Peacebuilding Commission Support Office

Permanent Missions of Bosnia and Herzegovina, Serbia and the United Kingdom of Great Britain and Northern Ireland; and the United States Mission to the United Nations

State Department; Environmental Law Institute; Global Witness; Stimpson Centre

Annex II

Response of the Government of Liberia to the report of the Panel of Experts of December 2009 (S/2009/640)

Letter dated 1 April 2010 from the Minister for Foreign Affairs of Liberia addressed to the Special Representative of the Secretary-General for Liberia

I present my compliments and wish to forward the attached document which constitutes the official reaction of the Government of Liberia to the report of the 2009 review visit to Liberia by the United Nations Panel of Experts.

The Ministry requests that this matter be brought to the attention of the competent authorities of the United Nations.

(*Signed*) Olubanke **King-Akerele**
Minister

Attachment

Issues raised in the report of 2009 of the Panel of Experts on Liberia

Summary

Non-compliance in the implementation of the Kimberley Process Certification Scheme. This is the general conclusion drawn by the Panel of Experts insinuating no progress has been made by Liberia since the last Experts' report. This is contrary to the contents of this very report.

Abuses of internal controls. Internal controls are the most cumbersome aspect of Kimberley Process implementation. No Kimberley Process member State or participant anywhere in the world can speak of a perfect internal control system. Some countries do not even practise any internal control systems in their Kimberley Process implementation as Liberia is made to undertake.

Mounting evidence of regional trading networks. These are allegations that need further proof. We cannot deny this but more concrete proof is required.

Potential infiltration of sanctioned Ivorian diamonds. As far as our records are concerned, our system of internal controls, through a chain of custody, tracks every diamond produced in Liberia from mine pit to export. There is no evidence of sanctioned Ivorian diamonds in Liberia.

Diminished political will of the Ministry of Lands, Mines and Energy. If this relates to the meetings of the Diamond Task Force, that body is now very engaged with Kimberley Process implementation monitoring and supervision.

Sections III and IV

Problematic regulation of natural resources owing to remote locations of operations, poor infrastructure, limited Government capacity and corruption (paras. 8, 11 and 12). This summarizes the problems being faced by the Government in meeting the Kimberley Process requirements.

Diamond exports of 18,000 carats valued at US$ 7.4 million; royalties only US$ 222,000 (para. 25). Total exports earned since September 2007 amount to under $600,000 (para. 26). This is the cost of running the Government Diamond Office for one year; Liberia is losing to implement the Kimberley Process Certification Scheme III.

Dealers not meeting the minimum export requirements ($100,000 per quarter) are subject to fines (para. 28). An analytical list of those dealers not meeting this requirement has been prepared pending a decision on the next steps in terms of levying the requisite fines.

Number of class C licences difficult to obtain from the Ministry; illicit mining ongoing in the gold and diamond sectors. Deputy Minister announces at Kimberley Process plenary all miners licensed in response to 2009 review visit (para. 29). This list has now been updated by the Bureau of Mines and all categories of licences are available. The issue of illicit mining is problematic. It needs a robust intervention to curb it. The Deputy Minister informed the Kimberley Process plenary that all miners who applied were licensed by the Government of Liberia.

Issue of class B licences (para. 30). The issue of class B has already been clarified by the listing provided by the Bureau of Mines.

Fake receipts at the Ministry of Lands, Mines and Energy and the Ministry of Finance and other Government agencies (para. 31). The Government has already instituted measures to eliminate fake receipts. Internal auditors, who must verify and counter-check and sign each payment receipt, have been assigned to each ministry/agency. These measures are paying off now because the fake receipt scheme has been minimized.

Purported Liberian diamonds confiscated in Dakar in 2006 (para. 32). During 2006 Liberia was still under United Nations sanctions and the Government moratorium on mining was still in effect. How these diamonds were identified as Liberian without footprinting is a quagmire.

Non-compliance with (a) internal controls; (b) data maintenance and sharing; (c) barely in compliance with Kimberley Process Certification Scheme (para. 34). This is a repeat.

Relocation of companies in the region, presence of regional trading networks, and infiltration of Ivorian sanctioned diamonds into Liberian exports (para. 35). The Government of Liberia has not identified any such networks or linkages.

Liberian diamonds escaping and being traded outside the Kimberley Process regime (para. 36). The Ministry of Lands, Mines and Energy needs logistic support to curb this by deploying requisite personnel in the alluvial production areas of the country.

Internal controls, progress must not be piecemeal, required coordination among actors, no further review visit recommended, Kimberley Process Focal Point to provide semi-annual updates to Kimberley Process Chair (para. 37). Agreed.

Challenges to Kimberley Process implementation recognized by the Panel of Experts, diamond trading ongoing outside the Kimberley Process Certification Scheme (para. 38). This is already addressed above.

Political will, internal controls, data requirement issues, regional networks, illicit sales of diamonds (para. 39). Also already addressed.

Reduction in political will, Liberia barely meeting Kimberley Process requirements (para. 40). Already addressed.

2009 review visit was a disappointment, concurrence with 2009 review visit conclusion (para. 41). This has been addressed in our response to the Kimberley Process review visit team.

The Ministry of Lands, Mines and Energy did not adequately prepare for the 2009 Kimberley Process visit; preparations were made but may not have been to the expectation of the review visit team (para. 42). The Government Diamond Office could not give documents to the review visit team until "pressed" to do so. The management of the Government Diamond Office gave the review visit team all documents that were requested by them.

Problems of scheduling meetings during the 2009 review visit, invitations not extended to attendees (para. 43). At the time of the review visit the Diamond Task Force was not meeting regularly.

Field visits during the review visit were not well organized, field visits not treated seriously, regional officers ill-prepared, lost keys in Weasua (para. 44). The logistics for regional officers (motorbikes, fuel) were not available due to budgetary constraints.

Accusation that the Ministry of Lands, Mines and Energy does not always implement the mining laws and regulations, class C miners using heavy equipment (para. 45). The Ministry of Lands, Mines and Energy is implementing its mining laws while regulations are being developed.

No action against users of heavy equipment by the Ministry of Lands, Mines and Energy (para. 46). Actions (stoppage and fines) are being taken against violators.

Non-cooperation among Ministry of Lands, Mines and Energy departments, e.g., the Government Diamond Office and the Bureau of Mines, lack of involvement of police, low degree of awareness among the police (para. 47). The lack of cooperation/coordination among departments is a problem that has persisted over the years. Action is now in progress to ensure this. Police are now actively engaged and awareness among police is high.

Complaints from stakeholders about transparency in the mining sector and inability to obtain information from the Ministry of Lands, Mines and Energy on companies operating in the counties; negative reaction to this by Ministry officials (para. 48). The Ministry of Lands, Mines and Energy has begun a campaign to inform all local county officials of the existence of mining companies in their counties.

Waning political will, no regular meeting of the Diamond Task Force (para. 49). This is correct but the situation is now reversed. Meetings of the Diamond Task Force are ongoing.

Regional issues should augment, not replace national level commitment (para. 50). Agreed.

Record-keeping, issuance of diamond vouchers to miners with expired licences, problems with flow of vouchers to Monrovia from regional offices (para. 52). Vouchers are issued only to legally licensed miners. Expired licence holders are not recognized by the Government Diamond Office.

Impossible to thoroughly review functioning of internal control system; Government Diamond Office does not permit analysis of links between vouchers, sales receipts and Kimberley Process certificates; timing of vouchers from mine to Monrovia (para. 53). The Government Diamond Office has always cooperated with the Panel of Experts in assessing the database, albeit our laws require a prior permission from the Kimberley Process Chair.

Linkage of Mustapha Tounkara with Youri Freund and Shimon Freund (para. 54). What took place outside of Liberia should not be alluded to by the Panel of Experts.

Annex III

Administrative decision of the Kimberley Process on sharing information with the United Nations

Swakopmund, 5 November 2009

The Kimberley Process recognizes that cooperation with the United Nations is an important responsibility of the Kimberley Process Certification Scheme, and is committed to facilitating the timely sharing of information whenever possible. This administrative decision is intended to clarify the procedures by which the working groups may share Kimberley Process Certification Scheme information with the United Nations Groups of Experts or other bodies with a United Nations mandate to work on Kimberley Process Certification Scheme-related issues.

1. If a United Nations Group of Experts or other body believes that the Kimberley Process possesses information that would be useful to its investigations, programmes, or activities, the head of the Group of Experts or other body should submit a written request outlining the specifics of the information being requested and the motivation for the particular need for the information. This request should be sent to the Kimberley Process Chair.

2. Prior to receiving any such information, assurances of confidentiality are to be given by the Group of Experts or other body, to the effect that the information is not to be further disclosed or used for purposes other than those described in the request without prior written consent of the participant(s) to whom the information is related.

3. Upon receipt of such a request, the Kimberley Process Chair should forward it to the Chairs of the relevant working groups, who should consult with participants of the working groups and provide any comments or concerns within 10 working days. The Kimberley Process Chair should consult any affected participants that are not members of relevant working groups.

4. In the absence of any objections by Chairs of the working groups and/or the concerned participant(s), with due consideration to commercial sensitivities of participants, the Kimberley Process Chair should grant the request and provide the relevant information to the requesting Group of Experts or other body.

5. If objections to the request are received, the Kimberley Process Chair should attempt to resolve the objections through discussions with the objecting Chair(s) of the working group(s) and/or the participants. After a consensus is reached, the Kimberley Process Chair may propose an acceptable alternative arrangement to the requesting Group of Experts or other body. If the alternative proposal is not accepted, the Kimberley Process Chair should direct the matter to the attention of the working groups Chairs and should attempt to resolve the matter and reach consensus. If no consensus is reached the Kimberley Process Chair refuses to share the requested information.

In cases when the request on sharing information is connected with a cooperation provision in a Security Council resolution, the Kimberley Process Chair may overrule these objections and share the requested information. The Kimberley Process will fully cooperate with United Nations sanctions panels without undue delay.

6. If, on the recommendation of the Kimberley Process Chair, information is provided, the Group of Experts or other body should, at the end of that time, provide a brief, written report to the Kimberley Process summarizing what information was used and for what purposes. The Group of Experts or other body may also request expanded information as needed; the Kimberley Process should consider any such request as described above.

7. The Kimberley Process Chair should inform the participants of the plenary about the cases in which information has been shared.

Annex IV

Annex to the guidelines of the Committee

Advance notification form for use by States in connection with any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government of Liberia

A. Shipment of arms and related materiel

Type and quantity of weapons to be delivered:

Type and quantity of ammunitions to be delivered:

End-user(s) of the weapons and/or ammunition to be delivered:

Proposed date of delivery:

Itinerary of shipments including mode of transport and entry point where the material would be imported into Liberia:

B. Provision of assistance, advice or training related to military activities

Type of assistance, advice or training to be provided:

Recipient(s) of assistance, advice or training to be provided including a number where applicable:

Location where assistance, advice or training will be provided:

United Nations A/64/836–S/2010/320

General Assembly
Security Council

Distr.: General
21 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda item 65 (a)
Promotion and protection of the rights of children

Security Council
Sixty-fifth year

Letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached memorandum of the Government of Afghanistan regarding your recent report on children and armed conflict (A/64/742-S/2010/181) (see annex).

I have the further honour to request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 65 (a), and of the Security Council.

(*Signed*) Zahir **Tanin**
Ambassador and Permanent Representative to the United Nations
Islamic Republic of Afghanistan

10-41086 (E) 250610

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Annex to the letter dated 10 June 2010 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Memorandum of the Government of Afghanistan regarding the report of the Secretary-General on children and armed conflict

1. The issue of children and armed conflict is of particular relevance and importance for countries like Afghanistan that continue to experience instability and violence. Vulnerable groups, in particular women and children, are often the first victims of conflict, and are often overlooked in traditional peacebuilding or conflict resolution paradigms. Afghanistan fully welcomes the increasing international focus on the protection of children in armed conflict and applauds the work of the Security Council, the Secretary-General and his Special Representative for Children and Armed Conflict in this regard.

2. The Government of the Islamic Republic of Afghanistan reiterates its enduring commitment to the protection of children and to ensuring their full exercise of all rights guaranteed them by the Constitution and laws of Afghanistan and by the international conventions and agreements to which Afghanistan is a party, and in that regard to the full implementation of, inter alia, Security Council resolutions 1612 (2005) and 1882 (2009).

3. The Government of the Islamic Republic of Afghanistan also reiterates its continuing cooperation and engagement with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. During both visits of the Special Representative to Afghanistan, an initial visit in July 2008 and a subsequent follow-up visit in February 2010, the Special Representative was welcomed personally by the President of the Islamic Republic of Afghanistan and other high-level officials and was given full access to detention centres, training centres and other facilities. In addition, the Government has fully supported the recent establishment of a monitoring and reporting mechanism, the addition of Child Protection Officers to the staff of the United Nations Assistance Mission in Afghanistan (UNAMA), the inclusion of civilian and child protection issues in the UNAMA and the International Security Assistance Force mandates and the assistance of the international community in supporting Afghanistan's ongoing efforts towards better and more effective protection of the rights and needs of children.

4. In this regard, the Government of the Islamic Republic of Afghanistan deeply regrets the inclusion for the first time of the Afghan National Police in annex I to the report as a party to conflict that recruits or uses children in contravention of international law. The Special Representative herself acknowledged in her mission report that "ANP policy is clearly designed to prevent [children being present]".

5. The commitments of the Islamic Republic of Afghanistan regarding recruitment for the Afghan National Security Forces are clear, and meet and surpass the obligations under the Convention on the Rights of the Child and its Optional Protocols. National legislation sets the age of voluntary recruitment for the Afghan National Army at 22, and for the Afghan National Police at 18. Recruitment procedures, in cooperation and conjunction with the international community, and particularly with the recent introduction of biometric verification, are increasingly

systematic and centralized to prevent errors. In addition, the Government of Afghanistan has an ongoing dialogue with the monitoring and reporting mechanism at all levels, including with the Office of the Special Representative, to improve the circumstances and procedures of the Afghan National Police to further protect the rights and safety of children.

6. Unfortunately, the difficult situation in the country continues to threaten the rights and safety of children. Challenges, including lack of enforcement capacity, weak institutions, widespread poverty and illiteracy, combined with incomplete national birth and identity data, can lead to incidents of children being associated with the Afghan National Police. However, and despite these obstacles, the Government of Afghanistan and the Afghan National Police, in cooperation with our international partners and allies, makes every effort to prevent any incidents, and takes immediate action when they are discovered. Indeed, on 10 May 2010, the Ministry of the Interior issued a widely applauded executive order reinforcing the current laws by directly forbidding the recruitment of individuals under 18 years of age into the police forces, providing for the mandatory reintegration of any found within 30 days, and outlining disciplinary action for those responsible. Unfortunate isolated incidents do not indicate any sort of systematic or intentional policy that might justify inclusion in the above-mentioned annex.

7. The Government of the Islamic Republic of Afghanistan has not been provided with any information explaining how the decision was made to include the Afghan National Police in the annex to the report, or what data was used as the basis for such a politically and legally sensitive conclusion. The report makes no mention of the issue beyond one sentence in paragraph 47, which states only that "children also continue to be associated with the Afghan National Police".

8. In addition, the intention to list the Afghan National Police in the annex to the report was not mentioned to the Government of Afghanistan, despite the constructive dialogue that the Permanent Mission of Afghanistan to the United Nations had with the Office of the Special Representative on other issues in the report. The Government of Afghanistan discovered the inclusion of the Afghan National Police in the annex only when the report was distributed to the public.

9. Finally, the inclusion of the Afghan National Police in the annex draws an unjustifiable equivalency between the Afghan National Police and the forces of the Taliban and other terrorist groups, who show a wilful, abhorrent disregard for human life, repeatedly and intentionally targeting women, children, schools and clinics in a campaign of terror and repression, and systematically recruiting children as suicide bombers, extremists and terrorists. In the face of Afghanistan's difficult situation, the Afghan National Police has an almost impossible task, often fighting on the front lines against a brutal enemy, facing the highest casualty rate among Afghan security forces and dealing with chronic under-resourcing and insufficient training. Their inclusion in this list devalues and undermines the joint efforts of the Government of Afghanistan, the international community and the men and women of the Afghan National Police to build a strong, effective, responsive and capable force dedicated to upholding the rule of law and protecting the people of Afghanistan.

United Nations S/2010/321

Security Council

Distr.: General
18 June 2010

Original: English

Identical letters dated 18 June 2010 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to draw your attention to a developing matter in the Middle East that could affect the peace and security of the region.

It appears that a small number of ships plan to depart from Lebanon and sail to the Gaza Strip which is under the control of the Hamas terrorist regime. While those who organize this action claim that they wish to break the blockade of Gaza and to bring humanitarian assistance to the people of Gaza, the true nature of their actions remains dubious. In glaring contrast to these self-proclaimed intentions, the organizers of these boats have made repeated assertions to the media that they wish to be "shahids" (martyrs). Furthermore, there exists a possible link between the organizers of the ships in question and the terrorist group Hizbullah. On 4 June 2010, the Secretary-General of Hizbullah, Hassan Nasrallah, gave an interview in which he called upon Lebanese citizens to participate in such flotillas and to use such activities to break the Israeli blockade. As a result, Israel cannot exclude the possibility that terrorists or arms will be smuggled on-board the ships in question.

Given the ongoing armed conflict between the Hamas terrorist organization which controls the Gaza Strip and the State of Israel, and in view of the declared intention of the aforementioned vessels to breach the naval blockade, compounded by the fact that these ships originate from Lebanon which remains in a state of hostility with Israel, Israel reserves its right under international law to use all necessary means to prevent these ships from violating the existing naval blockade imposed on the Gaza Strip.

Despite this blockade and the fact that Staff Sergeant Gilad Shalit remains in captivity without access to the Red Cross or any other international organization, humanitarian assistance continues to be delivered to the Gaza Strip on a daily basis. In this respect, Israel remains in an ongoing dialogue with the international community regarding the quantity and types of goods permitted into Gaza. Furthermore, there exist appropriate mechanisms to transfer humanitarian assistance to Gaza. If those who organize these provocative flotillas truly cared to provide assistance to the Gaza Strip, they would do so through these known mechanisms.

In view of these circumstances, Israel calls upon the Government of Lebanon to demonstrate responsibility and to prevent these boats from departing to the Gaza Strip. Such action will prevent any possible escalation and tensions in our region. Israel further calls upon the international community to exercise its influence in

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order to prevent these boats from departing and to discourage their nationals from taking part in such action.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

United Nations S/2010/322

Security Council

Distr.: General
21 June 2010

Original: English

Letter dated 18 June 2010 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to inform you that during the presidency of Mexico, the Security Council is scheduled to hold an open debate on the subject "The promotion and strengthening of the rule of law in the maintenance of international peace and security" on Tuesday, 29 June 2010.

Mexico has prepared the attached concept note to help guide the discussion on this subject (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Claude **Heller**
Ambassador and Permanent Representative of
Mexico to the United Nations

10-41639 (E) 220610

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Annex to the letter dated 18 June 2010 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

Concept note for the open thematic debate in the Security Council to be held on 29 June 2010 under the presidency of Mexico, on the promotion and strengthening of the rule of law in the maintenance of international peace and security

The rule of law occupies a pivotal position in the work of the United Nations and has become increasingly crucial in the maintenance of international peace and security. As the 2005 World Summit Outcome (resolution 60/1) underlines, an international order based on the rule of law and international law is essential for peaceful coexistence and cooperation among States.

Four years ago, in June 2006, the Security Council held its most recent open debate on the rule of law, under the presidency of Denmark. Recognizing the important role of the General Assembly in the progressive development of international law, the overall goal of the debate was to consider the Security Council's particular role in the promotion of international law, including the legal tools applied by the Council in its endeavours to maintain peace and security (see the discussion paper contained in document S/2006/367). It was further acknowledged that the Security Council operated within the framework of international law in all its functions and that, in the light of changing global threats and challenges, the Council had continuously developed and expanded its approach to fulfilling its main task of maintaining international peace and security. It was underlined that the Council had already made a significant contribution to the strengthening of an international order based on legal principles and that the Council had steadily increased its focus on rule-of-law issues in conflict and post-conflict situations, in specific country situations and thematically.

The Council's approach to and role in the promotion and strengthening of the rule of law in the maintenance of international peace and security has undergone important developments in the past four years. Since the previous debate in the Security Council, new institutional arrangements for ensuring the coordination, coherence and quality of the work of the United Nations on the rule of law have also been established. They involve the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and supported by the Rule of Law Unit in the Executive Office of the Secretary-General. This is a welcome institutional evolution. Nevertheless, greater use of the existing mechanism to ensure a coordinated and coherent response by the United Nations system should be further encouraged.

Therefore, the Mexican presidency of the Security Council considers that, four years after the last Council debate on the rule of law, it would seem appropriate and useful to take stock of the developments and the activities of the Security Council in this field.

The debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security is aimed at two different but closely interrelated objectives. It refers, on the one hand, to the idea of more strongly embedding the rule of law and international law in the daily work of the Security

Council, which is permeated with new and evolving global challenges and threats, and, on the other, to the notion of increasing the level of adherence to the rule of law and international law. Both components are indispensable in order for the Council to fulfil its primary responsibility.

This theme encompasses a variety of subjects. Taking into account the developments in the Council's work in recent years, it is suggested that the debate focus on the following main topics: (a) the promotion of the rule of law in conflict and post-conflict situations; (b) international justice and the peaceful settlement of disputes; and (c) the efficiency and credibility of sanctions regimes.

1. The promotion of the rule of law in conflict and post-conflict situations

Preventing conflict and post-conflict situations, which give rise to key rule-of-law questions and problems, must continue to be one of the prime objectives of the Organization. The causes of armed conflict must therefore be addressed in a comprehensive manner and on a long-term basis. From this holistic perspective, peacebuilding and post-conflict capacity-building, particularly the reinforcement of civilian capacities in post-conflict societies, are key components of the promotion and strengthening of the rule of law in the maintenance of international peace and security.

The Secretary-General has repeatedly referred to this relationship in very clear terms, as the reports issued in 2004 (S/2004/616) and 2006 (A/61/636-S/2006/980 and Corr.1) demonstrate. Both of them were partly the result of the previous debates on the rule of law held in the Security Council (September 2003, October 2004 and June 2006). However, since the issuance of the 2006 report, the subject has not been discussed in the Council.

Clear progress has been made with regard to the various issues addressed by the Secretary-General in those reports. Security Council mandates refer to rule-of-law and transitional justice issues more frequently; the Peacebuilding Commission and the Peacebuilding Fund are playing an active role in addressing the rule of law as a priority area for peacebuilding. Transitional justice is a complex, multifaceted and interdisciplinary process. The United Nations system as a whole has made considerable progress in implementing joint and integrated security and justice programming in country-specific situations on the Council's agenda. Therefore, an update on the progress made with regard to the substantive themes and recommendations articulated in the 2004 report of the Secretary-General, especially with regard to the enhancement of the rule of law and transitional justice (see S/2004/616, paras. 64 and 65) could prove very useful.

Respect for international humanitarian law is an essential component of the rule of law in conflict situations. Hence, it also plays a crucial role in the maintenance of international peace and security, as highlighted in the Security Council debate held in January 2009 under the auspices of the French presidency on the theme "Maintenance of international peace and security: respect for international humanitarian law" (S/PV.6078). Furthermore, Security Council resolutions on specific country situations as well as on thematic issues have reiterated this link on numerous occasions. The Council has been very active in promoting compliance with the principles and rules of international humanitarian law by the parties to an armed conflict. Major achievements have also been made in recent years in regard to the protection of civilians, in particular women and children, in armed conflict.

What concrete achievements have been made since the last Security Council debate on the rule of law with regard to conflict and post-conflict situations? How much progress has been made with respect to the recommendations of the Secretary-General set out in his 2004 report (S/2004/616), and what concrete measures are still pending in order to better implement those recommendations? How do we further ensure that the promotion of justice and the rule of law, including respect for human rights, is fully integrated into the work of the Security Council in the field of peacekeeping? What progress has been achieved and what further steps are needed with regard to the enhancement of the capacities and coordination of United Nations agencies in the context of rule-of-law activities in the field and at Headquarters? How can we continue to bridge the gap between mandates and the instrumentality of those mandates? What strategies can the Security Council promote in order to strengthen the efficiency of transitional justice processes? How can efforts to enhance the rule of law in post-conflict societies in areas such as law reform and constitution-making be further strengthened? How effectively has the United Nations supported national authorities in forging greater coherence of rule-of-law assistance, and what role can the Peacebuilding Commission play in helping to galvanize support in addressing priority rule-of-law issues? How can the fostering of compliance with international humanitarian law obligations by the Security Council be further promoted?

2. International justice and the peaceful settlement of disputes

The peaceful settlement of disputes, as enshrined in Article 33 of the Charter of the United Nations, is not only one of the main purposes of the Organization but also one of the basic principles of the international legal system. Hence, the commitment to resolve international conflicts through peaceful means and in accordance with international law is to be understood as one of the cornerstones of the notion of the rule of law at the international level. It is, without any doubt, one of its most appealing elements. In this regard, the 2005 World Summit expressly recognized the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, and called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute and consider means of strengthening the work of the Court.

The Security Council has contributed to the peaceful settlement of disputes between States in many ways. Throughout its history, it has had recourse to various organs and mechanisms such as good offices and mediation, among others, which have contributed to strengthening the rule of law.

As has been frequently emphasized, many disputes are claims about perceived legal rights, that is, they stem from differences concerning the interpretation of some rule or set of rules of international law. Therefore, the Security Council should further develop its institutional capacity to prevent the outbreak of situations that threaten international peace and security. In particular, it should strive to help the parties to a dispute to resolve it in accordance with the procedures set out in the Charter, emphasizing the recommendation that legal disputes should be referred to the International Court of Justice, as stated in Article 36, paragraph 3, of the Charter. In addition, the Council may further encourage the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for the peaceful settlement of disputes between States.

Advisory opinions by the International Court of Justice also contribute significantly to strengthening the rule of law at the international level, as does respect for the Court's decisions, a matter in which the Council is called to play a critical role in accordance with Article 94, paragraph 2, of the Charter.

Other international courts and tribunals, such as the International Tribunal for the Law of the Sea, offer States the possibility of settling their disputes in a specialized forum, which in turn may contribute to the prevention of conflict. Arbitration and other dispute-settlement mechanisms also contribute significantly to this endeavour.

Another essential element in the Security Council's approach to strengthening international justice and the rule of law is to engage in a concerted effort to end impunity. International criminal justice has evolved significantly in recent years. The fight against impunity for the most serious crimes of international concern has been strengthened through the work of the International Criminal Court, ad hoc and mixed tribunals, as well as specialized chambers in national tribunals. The Council has played an instrumental role in promoting and reinforcing their work.

How can recourse by the Security Council to the means of pacific settlement of disputes available under Chapter VI of the Charter be further encouraged? How can the Council further promote the key role of international tribunals in the peaceful settlement of disputes? What progress has been achieved and what further steps are needed in regard to the strengthening of international criminal justice?

3. The efficiency and credibility of sanctions regimes

Security Council sanctions regimes perform a necessary role in the maintenance of international peace and security. They are highly efficient tools for promoting compliance with international law and are indispensable in the international fight against terrorism. Sanctions regimes have experienced a sea change, transitioning from comprehensive to more focused and efficient targeted measures. However, targeted sanctions still raise a number of fundamental concerns in connection to the rule of law and its basic principles, including due process rights with regard to listing and delisting mechanisms. These concerns can undermine the credibility of sanctions regimes and thereby risk weakening their effectiveness. Striking the right balance between efficiency and legitimacy remains the key challenge.

It is only fair to mention, however, that since the 2006 debate, major improvements have been achieved in this area. For example, resolution 1822 (2008) of June 2008 and resolution 1904 (2009) of December 2009 are key developments within the Council's sanctions regime targeting Al-Qaida and the Taliban, and possibly even beyond it. The recent appointment of an ombudsperson and the procedural improvements in the sanctions regime represent major steps towards the respect of due-process guarantees, one of the basic components of the rule of law. This has also contributed positively to the more general goal of ensuring respect for the rule of law, in particular human rights, while countering terrorism.

In what concrete ways do these developments strengthen the Security Council sanctions regimes' legitimacy and overall effectiveness? How can fair and clear procedures in connection with listing and delisting mechanisms be further reinforced so that the actual implementation of sanctions can be more effective? How could the Council better ensure that human rights are protected in the fight against terrorism?

United Nations S/2010/323

Security Council

Distr.: General
21 June 2010

Original: English

Letter dated 18 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the letter from the Honourable Dato' Sri Mohd. Najib, the Prime Minister of Malaysia, addressed to the Permanent Representative of Mexico as the current President of the Security Council (see annex). The letter is related to the recent unprovoked attack by the Israeli Defence Forces on vessels carrying humanitarian aid to Gaza.

I would like to request that the present letter and its annex be circulated as a document of the Security Council.

(Signed) Raja Nushirwan **Zainal Abidin**
Charge d'affaires

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Annex to the letter dated 18 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the President of the Security Council

Letter dated 17 June 2010 from the Prime Minister of Malaysia addressed to the President of the Security Council

The people of Malaysia are deeply saddened and shocked by the recent deadly attack by the Israeli Defence Forces in international waters on the vessel *Mavi Marmara*, which was carrying humanitarian aid to Gaza. This unprovoked attack resulted in the killing and injuring of innocent and unarmed volunteers on board the vessel and is in complete disregard of international law as well as a clear violation of the Charter of the United Nations.

Malaysia strongly condemns the attack on the humanitarian aid vessel and stands firm that there is no excuse for the disproportionate, indiscriminate and excessive use of force by the Israeli Defence Forces on the humanitarian activists. It is incredulous that the attack was carried out in international waters off the Gaza coast, and Malaysia considers this act as a crime against humanity.

The Malaysian people abhor this wanton act. I tabled a Motion in the Malaysian Parliament on 7 June 2010, condemning the Israeli attack on the Freedom Flotilla in international waters. The 15-point resolution passed by the Malaysian Parliament, inter alia, demands that the United Nations Security Council censure Israel, calls for the Security Council to refer the attack to the International Criminal Court (ICC), urges the United Nations to obtain an advisory opinion from the International Court of Justice (ICJ), supports the demands by the international community, particularly the Human Rights Council, for an accountable and fully independent investigation on the attack, demands that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with Security Council resolution 1860 (2009); and appeals to the international community to continue extending humanitarian aid to the Palestinian people in Gaza. A copy of the resolution is enclosed.

As President of the Security Council, you have a crucial and important role to play. I would like to seek your personal intervention with the other members of the Security Council to call for a prompt, impartial, credible and transparent investigation into the Israeli attack on the innocent civilians in international waters and to demand that all parties concerned comply with the multitude of United Nations resolutions concerning the question of Palestine, including Security Council resolution 1860 (2009), as stated in the Security Council's presidential statement adopted on 1 June 2010 (S/PRST/2010/9). There is a real danger of an alarming humanitarian crisis developing and putting at risk thousands of human lives if the inhumane blockade of Gaza is not fully lifted.

Malaysia is of the view that the international community and the United Nations should make every effort to ensure that this aggressive unilateral action by Israel will not lead to a widening of the conflict in the region.

Excellency, may I count on your continued support in finding a peaceful and enduring solution to the problems in the Middle East.

(*Signed*) Dato' Sri **Mohd. Najib**

Enclosure

Motion in the Parliament of Malaysia condemning the Israeli attack on the Freedom Flotilla carrying humanitarian aid to Gaza

7 June 2010

In accordance with Standing Orders 27 (3), the House of Representatives of the Parliament of Malaysia hereby adopts the following resolution:

THAT, the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, launched an attack without reason in international waters on the Freedom Flotilla vessel convoy carrying humanitarian aid to Gaza on 31 May 2010, which has resulted in deaths and injuries to the members of the humanitarian aid convoy;

THAT, the Zionist regime's attacks on the humanitarian aid vessels are in violation of international law, including human rights law, international humanitarian law and the Charter of the United Nations;

THAT, similar sentiments were voiced through the joint statement of the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN) and the Gulf Cooperation Council (GCC) in Singapore on 1 June 2010, which sternly condemned the actions of the Israel Zionist regime;

THAT, the people of Malaysia hold firmly the position that there is no justification for the excessive use of force on the humanitarian aid vessels bound for Gaza in aid of the Palestinian people; and

THAT, the people of Malaysia are deeply dismayed at the inability of the international community, particularly the United Nations Security Council, to take any strong action with regard to this violent act by the Zionist regime.

THUS THIS HOUSE resolves to make the following resolutions:

(1) Strongly condemn the attack by the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, on the humanitarian aid mission vessels to Gaza, which has resulted in deaths and injuries to civilians;

(2) Record profound disappointment with the United Nations Security Council on its mild statement on the violent attack by the Zionist regime on the humanitarian aid mission vessels;

(3) Decide to demand that the United Nations Security Council censure Israel and not merely issue a mild statement;

(4) Decide for Malaysia to cooperate with the member countries of the Organization of the Islamic Conference (OIC), the Non-Aligned Movement (NAM), the League of Arab States and other like-minded countries to uphold the principles of international law, including human rights law, international humanitarian law and the Charter of the United Nations, in dealing with the humanitarian crisis in Gaza;

(5) Urge like-minded countries to propose a motion to the United Nations Security Council to refer the situation resulting from the attack by the Israel Zionist military regime to the International Criminal Court (ICC);

(6) Urge like-minded countries to propose a motion to the United Nations General Assembly to seek an advisory opinion from the International Court of Justice (ICJ);

(7) Request the State of Turkey to consider initiating action under the Rome Statute of the International Criminal Court (ICC);

(8) Call for a fully independent investigation to be conducted on the attack by the Zionist military regime and not merely an impartial investigation;

(9) Fully support the demands by the international community, particularly the Human Rights Council through its resolution 14/1 of 2 June 2010, for an accountable and fully independent investigation to be carried out on the attack;

(10) Demand that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with United Nations Security Council resolution 1860 (2009);

(11) Welcome the action by the State of Egypt to unconditionally open the Rafah border to ensure the unobstructed channelling of humanitarian aid;

(12) Appeal to the international community to continue extending humanitarian aid to the nationals of the Palestinian Territories in Gaza without being intimidated, and undaunted by the threats of the Zionist regime;

(13) Express appreciation to the States of Jordan, Turkey, Ireland, the Philippines and other countries that are involved in the efforts to secure the release of Malaysian nationals who were detained by the Zionist regime;

(14) Urge the Palestinian people to unite in safeguarding their inalienable rights to establish a free, independent and sovereign State of Palestine; and

(15) Express the solidarity of the people of Malaysia towards the cause of the Palestinian people in the establishment of a free, independent and sovereign State of Palestine.

United Nations S/2010/324

Security Council

Distr.: General
21 June 2010

Original: English

Report of the Secretary-General on the United Nations Office for West Africa

I. Introduction

1. The present report is submitted pursuant to the request contained in the letter dated 21 December 2007 from the President of the Security Council (S/2007/754), in which the Council called on me to report on the fulfilment of the mandate of the United Nations Office for West Africa (UNOWA) every six months. The report covers the period from 1 January to 30 June 2010. It focuses on country-specific political developments within the subregion, on cross-border and cross-cutting issues in West Africa and on activities undertaken by UNOWA in cooperation with other United Nations entities and regional organizations, including the Economic Community of West African States (ECOWAS), as well as civil society and other international organizations.

II. Country-specific political developments and UNOWA good offices

2. During the reporting period, a number of West African countries continued to be affected by the political crises resulting from flawed or contested electoral processes, unconstitutional changes of government or other threats to constitutional legality and governance. In Côte d'Ivoire, allegations of fraud in voter registration exercise and disputes over finalization of the voters' list brought the electoral process to a standstill and raised doubts about prospects for a timely and effective resolution of the crisis. The unconstitutional changes of government and threats to democratic processes that occurred in parts of the subregion also posed significant threats to the political, social and economic stabilization of the subregion. In Nigeria, constitutional and electoral reforms are ongoing in the lead-up to the 2011 presidential elections.

3. In collaboration with ECOWAS and the African Union, UNOWA, under the leadership of my Special Representative, remained actively engaged in Guinea and the Niger to promote a return to constitutional order. UNOWA also worked collaboratively with the United Nations country team in Lomé and the ECOWAS Mediator for Togo, President Compaoré of Burkina Faso, to ensure that the presidential election of 4 March 2010 was held as scheduled and in a peaceful environment. In close collaboration with the United Nations country team, UNOWA

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has also been following developments in Benin in the lead-up to the March 2011 elections.

Guinea

4. The situation in Guinea has evolved positively following the Ouagadougou Joint Declaration of 15 January, which provided for General Sékouba Konaté to serve as interim head of State during a six-month transition. All the transitional institutions, including the Government of National Unity headed by a Prime Minister and tasked with preparing the presidential elections, and the National Transitional Council, charged with the responsibility of revising the Constitution and the electoral code, were established by 15 March 2010. General Konaté issued a decree on 6 May confirming the date of 27 June 2010 proposed by the Independent National Electoral Commission (CENI) for the first round of the presidential elections. He also declared that Guineans in the diaspora should participate in the elections. The revised Constitution and the new electoral code were promulgated by decree on 7 and 24 May, respectively, thus completing the legal framework for the election. On 24 May, CENI published the list of eligible candidates. Twenty-four out of 42 candidates were declared fit to contest the presidential elections. On 18 May, a special force comprising 16,000 national police and gendarmerie elements was created by decree to provide security during the elections.

5. Despite these positive developments, a number of challenges remain, including legal and logistical issues related to the voters' list, socio-economic hardship and the potential of future unrest. These are in addition to financial constraints that have limited the Government's capacity to provide basic services for the population and meet the demands of the Army. Besides potential social instability resulting from frequent strikes by various sectors of the economy, there was also a serious concern over the recurrent disturbances in the Guinea Forestière region, where disgruntled groups were still calling for the return of Captain Dadis Camara.

6. The thirty-seventh ordinary session of the ECOWAS Authority of Heads of State and Government and the International Contact Group on Guinea, which held four meetings during the reporting period, encouraged Guinean stakeholders to continue with the implementation of the transition and called for international assistance to stabilize the political and socio-economic situation. They urged Guineans to also ensure that those responsible for the massacre of 28 September 2009 are held accountable for their actions, and to press upon the targeted officials to abide by their commitment not to stand for the upcoming presidential elections. They further called for a review of regional (ECOWAS and African Union) and international sanctions. ECOWAS, in particular, directed its Commission's President to come up with a revised list targeting only those found to have been directly involved in the massacre, or impeding the implementation of the Ouagadougou Declaration.

7. At all meetings of the International Contact Group on Guinea, my Special Representative underscored the need for the increased engagement of the international community, particularly in the remaining but critical phase of the transition, to ensure that socio-economic and political tensions do not disrupt the peaceful transition and therefore do not jeopardize the return to constitutional order. He identified two categories of challenges facing Guinea, the short-term priorities to be addressed before and during the elections, and issues of a structural nature that

require long-term planning and funding. For the first category, there is a need for quick-impact projects such as confidence-building measures aimed at reassuring the armed forces that their demands are being given due consideration, thus preventing security sector reform issues from becoming a destabilizing factor. The second category should begin to be addressed immediately after the elections with long-term development assistance from Guinea's bilateral and multilateral partners.

8. During the reporting period, UNOWA put great emphasis on the importance of stability in Guinea and its implications for West Africa, particularly the Mano River Union States. On 16 January 2010, my Special Representative undertook a joint mission to Ouagadougou with his counterparts from ECOWAS and the African Union, during which they persuaded Captain Dadis Camara not to return to Guinea, thus allowing for a smooth implementation of the Ouagadougou Joint Declaration. By the time of the meeting of the International Contact Group in early April, however, difficulties had emerged in the form of tension between the Prime Minister and the President of the National Transitional Council over the adoption of the Constitution and the date of the presidential election, which threatened to undermine the entire transition process. To address these difficulties, my Special Representative visited Conakry again on 22 April 2010 to hold extensive discussions with the Prime Minister and the President of the Council. He subsequently initiated a joint ECOWAS/African Union/United Nations mission to Conakry on 29 and 30 April, in an effort to pre-empt obstacles to the holding of the presidential election. Together with the African Union Representative, he used the occasion of the presentation ceremony of the joint ECOWAS/African Union/United Nations report of the Guinea security sector assessment on 4 May to revisit the issue with General Konaté in the presence of the Prime Minister and the Secretary-General of the Presidency. As a result, a consultative meeting on 5 May involving all stakeholders led to the National Transitional Council adopting the draft Constitution by consensus. This paved the way for the decrees promulgating the new Constitution and the electoral law, which were signed on 7 and 24 May 2010, respectively. Since then, my Special Representative has been monitoring the situation in liaison with the concerned stakeholders. With the support of the Peacebuilding Support Office, a senior political adviser has been deployed to UNOWA to assist my Special Representative on the evolving situation in Guinea. My Special Representative's efforts, in coordination with ECOWAS and the African Union, helped in overcoming a deadlock that could have led to the postponement of the presidential elections.

9. The Government of Guinea convened on 24 and 25 May 2010 a workshop on security during elections in Conakry with the support of UNOWA and the United Nations Development Programme (UNDP). The meeting discussed Guinea's national plan to provide security during the presidential election and concluded with a set of practical recommendations on the implementation of that plan. On 9 April, my Special Representative met with women leaders of the main civil society organizations in Guinea and from the Mano River Union region to encourage them to continue to play a positive role in support of the transition and in promoting violence free elections. As a follow-up to that meeting, UNOWA is closely monitoring women's participation in the transition process.

Niger

10. At the beginning of the reporting period, Niger witnessed a serious reversal of its democratic achievements since 1999. The country experienced a turbulent phase following President Tandja's controversial decision to amend the Constitution and organize a referendum that brought about the Sixth Republic. These actions were rejected by the opposition and a significant section of the population. The inter-Nigerian dialogue, initiated in December 2009 under the auspices of ECOWAS, broke down as President Tandja's insistence on maintaining the Sixth Republic could not be reconciled with the opposition's demand for a return to the Fifth Republic and the 1999 Constitution as a fundamental prerequisite for negotiations. On 18 February, President Tandja was ousted in a military coup. The Conseil Supreme pour la Restauration de la Democratie (CSRD) took control of the country with the declared objectives of restoring democratic rule and reconciling the people of the Niger. Although the coup was generally welcomed by the population as a positive step towards the restoration of the rule of law, it was still considered by the international community as an unconstitutional seizure of power.

11. As a result of the efforts of the international community since 18 February, including those of the United Nations in general and UNOWA in particular, the transitional authorities have made significant progress in the efforts to return the country to constitutional legality. On 21 February, my Special Representative undertook a joint mission to Niamey with the President of the ECOWAS Commission and the African Union Commissioner for Peace and Security to assess the intention of the new authorities, encourage a speedy return to constitutional order and explore possible areas in support of the transition with key stakeholders and representatives of the international community. The mission encouraged CSRD to opt for the shortest possible transition focusing on creating conditions for holding free and transparent elections, since an extended transition with long-term objectives could further destabilize the situation and keep away much needed international assistance. My Special Representative particularly advised the new authorities to acknowledge the existence of the food crisis and to extend their full and transparent cooperation to the international community in addressing this situation. He also suggested that CSRD consider formalizing its commitment not to stand for election as that would strengthen the basis for international cooperation. On 12 March, the head of CSRD signed a decree reiterating and officially confirming that point. Since then, all the transitional institutions have been established. The Conseil Consultatif National is tasked with recommending, inter alia, the programme and the duration of the transition period. The Comité Technique des Textes Fondamentaux is assigned to review the Constitution and the Observatoire National de la Démocratie et des Droits de l'Homme is mandated to investigate human rights abuses and conduct human rights education.

12. On 15 April, my Special Representative returned to Niamey to assess the progress made since his last visit. He advised the transitional authorities, especially the head of the Conseil Consultatif National and the President of CRSD, to decide on the shortest possible transition to restore constitutional rule and to allow for the continued and full support of the international community. On 23 April 2010, the Conseil Consultatif National proposed a timetable for a transition to culminate in the elected President's swearing-in ceremony on 1 March 2011. On 5 May, CSRD confirmed the one-year transition as proposed by the Conseil Consultatif National with the following revised sequencing: (a) referendum; (b) local elections;

(c) legislative elections; and (d) presidential election. Accordingly, the new electoral code was promulgated by decree on 27 May, and the President of the Independent National Electoral Commission was designated. A referendum on the revised Constitution is scheduled to take place in October 2010.

13. Despite these encouraging developments, the Niger is still confronted with serious socio-economic and humanitarian challenges. The lack of financial capacity to provide basic services to the population and the growing food crisis, acknowledged by the military Government, remain potential factors of social destabilization that, in turn, represent a significant threat to the transition. The authorities have stressed that the success of the transition would depend largely on the capacity of the Government to ensure social stability through the provision of basic social services. They called for the intervention of the United Nations in support of preventing social instability in the country.

Togo

14. Presidential elections in Togo were held on 4 March amid growing tension between the ruling party, the Rassemblement du Peuple Togolais (RPT) and opposition parties, in particular the Union des Forces de Changement (UFC), on various aspects of the electoral process, as outlined in my previous report. Although the voting proceeded in a peaceful atmosphere, the results announced by the Constitutional Court on 6 March declaring the incumbent President, Faure Gnassingbé, the winner with 60.92 per cent of votes, were deeply contested. Opposition parties, rallied in a coalition, the Front Républicain pour l'Alternance et le Changement (FRAC), rejected the results and initiated a series of demonstrations to request recognition of what they claimed to be a clear victory of the UFC candidate, Jean-Pierre Fabre. Despite these demonstrations, President Gnassingbé was inaugurated for a second term on 3 May 2010. On 7 May, Gilbert Houngbo was reappointed Prime Minister with the main task of creating a unity government with participation from the opposition. Negotiations between the ruling party and UFC culminated in an agreement with UFC President, Gilchrist Olympio, for the participation of seven UFC members in the new government, which was formed on 28 May. This engendered a split within UFC, as some of its members, including the presidential candidate, rejected the proposition to join a unity government.

15. In preparation for the contested 4 March presidential election, UNOWA closely monitored the political and security situation in the country, and my Special Representative maintained close contacts with the ECOWAS Facilitator, President Compaoré of Burkina Faso, and national stakeholders, to help promote a conducive environment for a credible and peaceful election. On 5 and 6 January, my Special Representative and the President of the ECOWAS Commission undertook a joint visit to Lomé to exchange views with national and international stakeholders on the pre-electoral situation and to establish a national mechanism for dialogue to resolve disagreements surrounding the electoral process. As a follow-up to that visit and a needs assessment mission that had taken place in September 2009, a joint mission of UNOWA and the Department of Political Affairs was deployed to Lomé from 3 to 9 February 2010, in consultation with the resident coordinator and the United Nations country team, to monitor progress made in preparation for the election and to convey the continued commitment of the United Nations to assisting Togo hold a peaceful and credible election. In the aftermath of the March 2010 election, and with a view to reducing the risk of tension in future elections, discussions are

already under way between UNOWA, the United Nations country team and relevant departments and agencies of the United Nations to develop a comprehensive support strategy for Togo's peace consolidation and democratization agenda. UNOWA will continue to closely follow the post-election developments, especially with respect to the participation of the opposition in the Government and the efforts to promote national reconciliation.

Benin

16. During the reporting period, tension was observed in Benin, as the country prepares for general elections scheduled for March 2011. The controversy over the use of the computerized permanent voters' list for the 2011 elections polarized the political debate. Even though the Government agrees with the opposition on the need for the computerized permanent voters' list, they disagree on the time frame for the completion of voter registration. The Government wants the system to be ready for the 2011 presidential and parliamentary elections, while the opposition insists that more time is needed to ensure the credibility of the computerized list and that the old manual voters' list should therefore be used for the upcoming elections.

III. Developments and trends in cross-border and cross-cutting issues

A. Economic, social and humanitarian factors

17. Despite encouraging economic growth rates, the damaging effects of the global downturn continue to be deeply felt by most West African populations. After a period of decline prompted by the global financial and economic recession, West African economies are now improving, as evidenced by the subregional growth rate, which is expected to reach 4.7 per cent in 2010, against 4.4 per cent in 2009. The continuation of this encouraging trend will depend on the pace of global economic recovery, as well as the sustainability of revenue flows from natural resources and agricultural products, tourism, remittances from overseas workers and international aid. The benefits of the improving economic situation, however, are yet to trickle down to the majority of the population in the region. In this regard, measures to reduce the gap between rich and poor and improve governance are necessary for accelerating progress towards achieving the Millennium Development Goals, strengthening social cohesion and peace consolidation. With respect to Millennium Development Goal 1, to eradicate extreme poverty and hunger, half of the countries in the region are on track, six of which are early achievers, while two are off-track and six are actually regressing, as indicated in the latest publication of the African Economic Outlook report of the African Development Bank.

18. Irregular rains in 2009 led to severe shortages of pasture and water and a poor harvest in early 2010 in several West African countries. These factors contributed to worsening food insecurity, particularly in the Niger, but also in Mali and Mauritania. The current food crisis is emblematic of the spate of humanitarian crises in West Africa. An estimated 10 million people are said to be affected in the Sahel region alone, 80 per cent of whom are located in the Niger. The recurrence of diseases such as polio, meningitis, measles and lassa fever has exacerbated the vulnerability of already impoverished households. Mali and Mauritania deserve particular attention

from the international community, with 260,000 and 370,000 people affected, respectively. The acknowledgement by the new authorities in the Niger of the seriousness of food insecurity and malnutrition has created a more conducive environment for the United Nations and the wider international community to address humanitarian concerns in that country. In April 2010, the United Nations and the Government of the Niger launched an international appeal for $133 million to assist affected communities. The amount of $20.5 million was allocated during the first three months of the year through the Central Emergency Response Fund to alleviate the food crisis, assist farmers and herders and respond to emergency health needs in a number of countries in the region. Resources are still needed for the consolidated appeal for West Africa for 2010, seeking $507 million to support emergency relief activities in the region, including in the Niger and other affected countries. Of this target, only 24 per cent is currently funded. Resources are also needed to facilitate the movement of humanitarian personnel and relief items between Guinea, Sierra Leone and Liberia. During his visit to West Africa from 23 to 28 April, John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, reiterated the need for comprehensive long-term strategies to address the recurrent and complex nature of the food crisis and malnutrition in that part of the Sahel and West Africa as a whole. In the engagements he had with the highest level of political leadership and other stakeholders he underscored, inter alia, the need to strengthen cooperation among the various actors committed to humanitarian action, especially cooperation between local governments and the United Nations.

B. Drug trafficking and cross-border organized crime

19. I remain greatly concerned over the continuing scourge of drug trafficking in West Africa. This is in spite of the fact that in the reporting period, the quantities of hard drugs seized by national law enforcement agencies continued to decline. As I highlighted in my previous reports, this could be the result of increasingly sophisticated operations launched by drug cartels, rather than the outcome of more effective national and international responses. In the reporting period, West Africa remained a major transit route for cocaine trafficking. The use of the Sahara desert as transit route for narcotics, in particular cocaine and cannabis, has heightened insecurity in an already volatile region, much of which remains outside the control of national security and defence forces. I also remain seriously concerned that terrorist networks and rebel groups could derive significant economic benefit from criminal activities, including drug and arms trafficking. The frequent instances of the kidnapping of foreigners in the Sahel band in exchange for ransom payments are a reflection of this worrying trend.

20. Heroin trafficking, which has been a serious concern in West Africa for several decades, received heightened attention again in recent months, following an increase in seizures in a number of countries, including those emerging from conflict. Reports from specialized institutions, including the United Nations Office on Drugs and Crime (UNODC), show that heroin and cocaine cartels seem to operate independently, while possibly turning to the same intermediaries for logistics and money-laundering. Increasing trends in the local consumption of cocaine highlighted in my previous reports confirm that the subregion is no longer only a transit route, but is also a consumption area. In States where there is massive

unemployment and a volatile political situation, drug consumption among youths could serve as a trigger for violence.

21. The security situation in the Sahel continued to deteriorate during the reporting period. The menace of criminal and terrorist activities, including the kidnapping of foreigners and attacks on national security forces, as well as the proliferation of small arms and light weapons, continued to undermine regional peace and stability. It also threatened the safety of civilians. The insufficient capacity of Governments to adequately address the security challenges they face remains a matter of concern. Furthermore, the insurgencies that some Governments face have weakened their ability to provide national security and enforce law and order on their territory. At a ministerial meeting on this issue, which took place in Algiers on 16 March, the seven countries of the Sahel-Sahara region, Algeria, Burkina Faso, Chad, the Libyan Arab Jamahiriya, Mali, Mauritania and the Niger agreed to cooperate in the fight against the causes and factors of insecurity in the Sahel and to take advantage of technical assistance opportunities offered by multilateral mechanisms, namely those provided for by Security Council resolutions 1373 (2001), 1456 (2003) and 1904 (2009). This was followed by a meeting of the Chiefs of Army Staff in the same countries on 14 April, which resulted in the establishment of a regional mechanism for coordinating the fight against terrorist activities.

C. Governance, human rights and gender

22. Although most West African countries remained politically stable during the period under review, a number of threats to democratic processes continued to hamper prospects for sustainable peace and security in the subregion. Progress made in strengthening human rights, promoting gender and encouraging civil society institutions was undermined by increased election-related tension and violence and weaknesses in most national armed and security forces. The resurgence of coups d'état in West Africa, which I have consistently denounced, and the major role played by the armed forces in these coups, are a reflection of the difficult civil-military relationships in situations of bad governance.

23. Some countries have made progress towards the organization of peaceful and credible elections, while, in others, tension and violence remain an ever present possibility. Many West African countries continued to be faced with limited availability of credible and up-to-date data on demographic trends, a challenge that fuels disputes over voter registration, among other difficulties, and impacts negatively on efforts to consolidate peace and promote democratic governance.

24. The rise of ethnic and religious intolerance, local insurgencies and continued violations of human rights in some countries, including violence against women and girls, threatened both national and regional peace and stability. Encouraging signs include the active participation of human rights defenders and civil society in Guinea and in the Niger in the political transition, including in raising awareness on the critical issue of the food crisis. Compared to 2005, the presidential elections in Togo of 4 March 2010 revealed an encouraging decline in human rights violations. This is partly as a result of joint regional and United Nations efforts in the lead-up to the election in providing training to security forces and the youth, as well as in raising public awareness on peace and respect for human rights during the electoral processes. There is also a growing interest in promoting women's participation in

peace and security efforts within the subregion. Côte d'Ivoire and Liberia have made steady progress in the implementation of their national plans on Security Council resolution 1325 (2000). Sierra Leone launched its plan on 12 June, while Guinea-Bissau and Guinea are now finalizing theirs.

IV. Activities of the United Nations Office for West Africa

25. In addition to its good offices, which are described in section II of the present report, during the reporting period UNOWA focused on a number of critical issues, including drug trafficking and organized crime, and the implementation of Security Council resolution 1325 (2000), in collaboration with other United Nations agencies and regional and subregional organizations.

A. United Nations inter-institutional cooperation

26. UNOWA continued to promote information-sharing and interlinkages among United Nations entities operating in West Africa on cross-border and regional threats to peace and security. The sixth meeting of Dakar-based United Nations regional offices and other entities was organized by UNOWA on 21 January 2010 to discuss the political developments in the subregion and to further coordinate the efforts of the United Nations system in the fight against drug trafficking and organized crime as well as food insecurity. The eighteenth high-level meeting of Heads of United Nations peace missions in West Africa, organized by UNOWA in Dakar on 25 February 2010, reviewed recent political and pre-election developments in Liberia, Côte d'Ivoire, Guinea-Bissau, Sierra Leone, the Niger, Guinea and Togo. As a result of these meetings, United Nations agencies acknowledged the destabilizing impact of domestic crises on the entire subregion and agreed to work together in support of national efforts for peaceful and fair elections, as well as security sector reform. Taking into account their respective mandates, these meetings also provided an opportunity for United Nations entities in the region to identify ways of addressing threats posed by cross-border organized crime and drug trafficking, human trafficking, climate change, terrorist activities and food insecurity with a focus on the Sahel. As a result of these meetings, United Nations agencies have been providing active support to the Regional Food Security and Nutrition Working Group, which was established by NGOs and United Nations agencies within the framework of the West Africa consolidated appeal process. UNOWA is also developing a regional initiative that will aim to strengthen the links between political, socio-economic and humanitarian interventions in the Sahel region and facilitate the development of a comprehensive conflict prevention framework in this area, in collaboration with all the United Nations agencies concerned. In response to the food crisis, my Special Representative continued to work closely with the Office for the Coordination of Humanitarian Affairs and other United Nations bodies to ensure continued monitoring of the situation.

27. In order to follow up on the recommendations of the sixth meeting of Dakar-based United Nations regional offices pertaining to ways of assisting the subregion in addressing the challenges facing the Sahel countries, UNOWA organized a meeting with the resident coordinators from West African Sahel countries (Burkina Faso, Mali, Mauritania and the Niger) and regional directors of United Nations

entities on 12 April. The meeting reiterated the pivotal role of UNOWA as the interface between the United Nations system and ECOWAS, and agreed on (a) conducting joint analyses on cross-cutting issues in the Sahel, such as food security; (b) organizing, in cooperation with ECOWAS, a regional forum for consultation; and (c) advocating for a Security Council visit to West Africa to show support for the ongoing peace efforts in the subregion. The meeting also resulted in refining the United Nations inter-agency proposed initiative on the Sahel.

28. UNOWA enhanced United Nations efforts to address the humanitarian situation in the subregion by convening, on 22 March 2010, a meeting of heads of United Nations regional agencies to discuss what could potentially be the greatest cereal shortage in a decade, with a particular focus on the Niger. Participants stressed the need to promote subregional solidarity, such as lifting tariff barriers between countries of the Sahel in order to facilitate supply of food within the subregion.

29. During the reporting period, UNOWA worked closely with the Department of Political Affairs in support of the efforts of the Counter-Terrorism Implementation Task Force to promote the United Nations Global Counter-Terrorism Strategy in the Sahel-Sahara region. The Strategy recommends a series of measures to address the root causes of terrorism and to strengthen State capacity, and provide pertinent indications on how to deal with insecurity in the Sahel. The modalities for proper implementation of the Global Counter-Terrorism Strategy in the Sahel, which gives priority to local ownership and leadership, are being finalized by the Task Force in collaboration with the Department of Political Affairs and UNOWA.

30. The second consultative conference between UNOWA and United Nations resident coordinators in West Africa, held in Dakar on 13 April 2010, with the participation of directors of United Nations regional offices, further reviewed ways of improving the strategic coordination and coherence of United Nations efforts to better address the major challenges facing West Africa and promote stability and development in the subregion. The meeting proposed that the ECOWAS-UNOWA workplan be adjusted to accommodate economic, social and humanitarian matters. That issue will be considered further during the revision of the ECOWAS-UNOWA workplan.

31. UNOWA was represented at the fourth subregional meeting of heads of United Nations human rights field presences held in Niamey from 3 to 5 February, which reviewed the human rights situation in the subregion, focusing on human rights in electoral processes; combating impunity; gender and human rights in the context of the tenth anniversary of Security Council resolution 1325 (2000) and the Secretary-General's campaign to end violence against women; human trafficking, migration; and climate change. The meeting adopted a joint action plan on human rights for United Nations entities in West Africa.

B. Cooperation with regional and subregional partners

32. The demonstrated determination of the regional organizations (ECOWAS and the African Union) to restore and strengthen democratic rule in the region, with support from the United Nations, has been very encouraging. This partnership was also pursued through the participation of the Office in various meetings and forums, including meetings of the International Contact Group on Guinea, the thirty-seventh

ECOWAS ordinary summit held on 16 February 2010 in Abuja, and the 27th meeting of the ECOWAS Committee of Chiefs of Defence Staff, held in Cotonou from 14 to 17 April 2010, during which UNOWA brought a United Nations perspective to the discussions on the prevailing security challenges in the subregion. In the framework of its support to ECOWAS, UNOWA is currently assisting ECOWAS with the revision of its Protocol on democracy and good governance. The draft document is being discussed by the two institutions at present.

33. In an effort to strengthen its cooperation with the Mano River Union, UNOWA fielded a mission to the Mano River Union secretariat in Freetown from 5 to 12 March, to identify areas of cooperation between the two organizations in furtherance of peace and stability. As a result, a joint framework for cooperation is currently being developed in areas such as the promotion of violence-free elections, security sector reform, drug trafficking and organized crime, as well as implementation of Security Council resolution 1325 (2000).

C. Cross-border and cross-cutting issues

Governance and security sector reform

34. In the reporting period, UNOWA stepped up its support for ECOWAS efforts and facilitated the work of United Nations entities on security sector reform in West Africa, while ensuring overall coherence with the African Union's continental vision. It hosted, on 18 and 19 February in Dakar, a meeting with ECOWAS in support of the development of a West African regional framework and plan of action on security sector governance and reform. Preceded by a workshop co-organized by the African Security Sector Network (ASSN) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the UNOWA/ECOWAS meeting provided inputs to the draft ECOWAS plan of action and recommended the establishment of a regional forum of security sector reform practitioners and experts. It also prepared the ground for the joint ECOWAS/African Union/United Nations efforts on security sector reform in Guinea.

35. The three-month-long joint ECOWAS/African Union/United Nations security sector assessment mission in Guinea was designed under the leadership of ECOWAS with the support of the United Nations (UNOWA, the United Nations Development Programme/Bureau for Crisis Prevention and Recovery, the Department of Peacekeeping Operations, the United Nations country team) and was later reinforced by associated experts from the European Union, the United States and the International Organization of la Francophonie, which provided expert advice and guidance to the interim authorities. It was launched on 1 February in Conakry and concluded on 4 May with the presentation of the report to the Guinean Interim President by my Special Representative on behalf of ECOWAS, the African Union and the United Nations.

Drug trafficking and organized crime

36. During the reporting period, UNOWA continued to support initiatives and efforts to prevent and combat drug trafficking and organized crime in West Africa. UNOWA backed up the ECOWAS Commission in its efforts to develop a regional action plan, notably through the establishment of the Office of the Special Adviser on Drugs and Crime to the President of the Commission. The preparatory phase of

the establishment of transnational crime units in the context of the West Africa Coast Initiative, which was initiated with the launching of the Initiative in New York on 8 July 2009, was completed with the assessment missions to Guinea-Bissau and Côte d'Ivoire in early 2010, in which UNOWA participated. A consolidated report on this phase was adopted by the pilot countries (Côte d'Ivoire, Guinea-Bissau, Liberia and Sierra Leone) during the ministerial meeting on the Initiative held in Freetown on 17 February, in which UNOWA took part. The outcome of that meeting was the signing of the Freetown Commitment on Combating Illicit Trafficking of Drugs and Transnational Organized Crime in West Africa, which provided political backing to the implementation of the Initiative. Participating officials affirmed the commitment of their countries to ratify and implement the relevant international conventions and treaties to strengthen cross-border collaboration and to establish the transitional crime units. The operational development of the Initiative began in the aftermath of that ministerial meeting. On the basis of the outcome of several United Nations inter-agency meetings described in section IV (A), UNOWA has continued to focus on mobilizing political will for and coordinating United Nations inputs into the Initiative project, including through the development of an inter-agency workplan expected to be validated by mid-2010, in close coordination with the other Initiative partners, UNODC, the Department of Peacekeeping Operations, and the International Criminal Police Organization, as well as with the concerned United Nations peace missions (United Nations Integrated Peacebuilding Office in Sierra Leone, United Nations Integrated Peacebuilding Office in Guinea-Bissau, United Nations Mission in Liberia and United Nations Operation in Côte d'Ivoire).

Human rights and gender

37. UNOWA continued to support and facilitate the activities of the regional Working Group on Women, Peace and Security in West Africa established in April 2009, including facilitating its monthly meetings. On 8 February, a directory of institutions working on human rights and gender in West Africa, published and widely disseminated in the subregion by UNOWA, was jointly launched by my Special Representative and the United Nations Development Fund for Women (UNIFEM) Director for Africa. The launching ceremony offered an opportunity for UNOWA, UNIFEM and other members of the Working Group on Women, Peace and Security to review and adopt the 2010 joint annual workplan for the implementation of the Secretary-General's campaign to end violence against women.

38. In furtherance of its partnership with the African Union, UNOWA attended the second Conference on the Question of the Death Penalty in Africa, in Cotonou, from 12 to 15 April, organized by the African Commission on Human and Peoples' Rights for North and West Africa. The conference recommended the drafting of an African Union protocol on the abolition of the death penalty. As the only entity of the United Nations in attendance, UNOWA sensitized the participants on the perspective of the Organization for a progressive abolition of the death penalty, as set out in General Assembly resolution 62/149 of 18 December 2007, on the moratorium on the use of the death penalty. UNOWA also attended the Africa regional conference on the Optional Protocol to the Convention against Torture, jointly organized in Dakar from 27 to 28 April by the African Commission on Human and Peoples' Rights, the Association for the Prevention of Torture and Amnesty International. The conference adopted an eight-point strategy for universal ratification and an effective implementation of the Optional Protocol in Africa. My Special Representative was

solicited to help in promoting an advocacy campaign for the universal ratification of the Optional Protocol to the Convention against Torture in Africa.

39. In the margins of the forty-seventh session of the African Commission on Human Rights, held in Banjul from 12 to 26 May, UNOWA organized a series of panel discussions with the African Union and human rights experts on thematic human rights issues impacting on peace and security, including climate change, poverty, trafficking in persons and women, peace and security. During the panel discussions participants called on UNOWA to work together with UNIFEM, the Office of the United Nations High Commissioner for Human Rights and the African Union to organize a regional conference on the implementation of Security Council resolution 1325 (2000). UNOWA is planning to hold this conference in the second half of 2010.

D. Cameroon-Nigeria Mixed Commission

40. During the period under review, UNOWA continued to provide support to demarcation of the border between Cameroon and Nigeria. Field work was pursued, although the Cameroon-Nigeria Mixed Commission was not able to hold its twenty-sixth session as initially scheduled on 4 and 5 March 2010 because of technical problems. Cameroon and Nigeria have so far agreed on a total distance of 1,463 kilometres for the land boundary, which is estimated to be 1,950 kilometres. Pillar emplacement activities undertaken under the management of the United Nations Office for Project Services have continued through the reporting period, with some 175 kilometres of boundary now permanently demarcated.

41. The completion of all land boundary demarcation activities will depend on ensuring continuing funding from extrabudgetary sources for the remaining demarcation contracts. The agreement with the European Commission that is currently providing funds for the completion of the demarcation activities will terminate on 30 October 2010.

42. The commitment of Cameroon and Nigeria to maintain good neighbourly relations was further reinforced by the attendance of President Goodluck Jonathan of Nigeria at the National Day celebrations of Cameroon on 20 May. Following that, on 27 May, President Paul Biya of Cameroon sent his Minister-Delegate for Justice to Nigeria to discuss matters of common interest, including all pending issues related to withdrawal and transfer of authority in the Bakassi Peninsula.

V. Observations and recommendations

43. I am pleased to note the progress made in some West African countries in consolidating peace, democratic governance and human rights. However, these positive trends continued to be undermined by governance challenges. The situation presented in this report calls for West Africa and its partners to continue to invest more efforts in consolidating good governance and respect for the rule of law, as well as fostering an enabling environment for economic growth and poverty alleviation.

44. Ten years after the launch of the Millennium Development Goals, and five years from the target deadline of 2015, West African countries should assess and

accelerate progress towards their achievement. As recommended by the World Bank and the International Monetary Fund, in their latest report entitled *The Millennium Development Goals after the Crisis*, West African countries should give priority to and remain focused on creating an enabling environment for economic activities and poverty alleviation, enhancing the support to institutional reforms, and the attainment of development goals.

45. I note with appreciation the enhanced cooperation between UNOWA and regional organizations, particularly with ECOWAS and the African Union, as exemplified in the significant increase in the number of joint initiatives and activities in preventive diplomacy, security sector reform and conflict management. I am also encouraged by the strengthened collaboration among United Nations entities in the subregion aimed at better supporting the efforts of the subregion in strengthening governance and addressing humanitarian challenges.

46. I welcome the initiative of development and humanitarian actors to undertake joint actions in support of the Governments and populations affected by the food crisis. I appeal to Member States to provide prompt and generous support for humanitarian operations in the Sahel region through the consolidated appeal process and other mechanisms, in order to avert a major humanitarian crisis, which could potentially lead to violent conflicts, suffering and loss of life. Beyond short-term emergency responses, the recurrent and complex nature of the food crisis and malnutrition in this part of the Sahel and West Africa calls for comprehensive long-term strategies and policies aimed at addressing the underlying causes in a consistent and sustainable manner, including by adopting preparedness measures.

47. I call on the leaders of West Africa to reinforce their national policies to combat cross-border criminal activities and terrorist threats, particularly in the Sahel Band. I commend the decision of the Sahel countries to combat insecurity in this area in an integrated and coordinated manner. The cross-border dimension of criminal activities and terrorist threats in the Sahel calls for a regional approach to reinforce national policies, as recommended by the Security Council presidential statement (S/PRST/2009/20) dated 10 July 2009. The countries and populations of the Sahel can more effectively fight terrorist activities and organized crime through strong partnerships and cross-border collaboration. The United Nations will develop a more coordinated response on the Sahel, including the implementation of the Global Counter-Terrorism Strategy in the region.

48. While an increasing number of countries in the subregion are holding regular elections, there is still room for improving the frameworks in which these elections are held. Developments in this area should be kept under active consideration, as a high number of elections are scheduled to take place in West Africa in the near future. In this context, I wish to renew my previous appeals for all possible steps to be taken to reduce the potentials for election-related violence in West Africa. The United Nations will continue to monitor the situation and play an active role in this area.

49. I am also concerned about the slow implementation of the 2010 round of censuses in West Africa. Foundations for democracy and peace include informed decision-making on policy issues and economic programming, which requires a good knowledge of the size and distribution of the targeted population. Regular population censuses can also be useful monitoring tools for conflict prevention, good governance and planning for economic and social development. The conduct

of censuses requires strong national commitment, leadership and ownership. I call on West African authorities to ensure that population censuses are conducted on a regular basis. Investing in regular and credible censuses, including civilian registration, is part of the United Nations commitment to make governance in West Africa legitimate, transparent and accountable. The United Nations will continue to assist West African countries in capacity-building and resource mobilization for population censuses.

50. Reports of incidents of violations of human rights in the subregion are also a matter of concern. Given the sensitivity of faith and ethnic-based violence, I urge Governments, civil society organizations and community leaders to develop mechanisms, with the support of the international community, for addressing situations of tension. I also call on the countries of West Africa to work, in close collaboration with relevant United Nations entities and civil society, including women's organizations, towards the development of a regional action plan to implement Security Council resolution 1325 (2000).

51. I am encouraged to see that the situation in Guinea has evolved positively in the last six months. I welcome the fact that the Guinean transition authorities maintained the date of 27 June 2010 proposed by the Independent National Electoral Commission (CENI) for the first round of the presidential elections and the effort to undertake security sector reform with the support of ECOWAS, the African Union and the United Nations. Guinea also needs support in order to develop and implement long-term development plans.

52. I am encouraged by the fact that the Government of the Niger acknowledged the food crisis and is working to restore democratic rule and to address the humanitarian crisis in the country. I am also encouraged to see that the transitional authorities decided on the shortest possible transition and not to stand for the next elections. The Niger needs support from its international partners to address its socio-economic challenges.

53. Bearing in mind the multifaceted challenges in the subregion, the need to focus on good offices in preventive diplomacy and conflict management, governance issues, including elections and security sector reform, remain. UNOWA will continue to play a catalytic role in helping ECOWAS and the Mano River Union strengthen their capacities to intervene more effectively in conflict prevention and crisis management. It will also assist them in developing an integrated regional approach in such priority areas as democratic governance, human rights and gender. Furthermore, UNOWA will endeavour, with its partners in West Africa, to effectively integrate humanitarian and development dimensions into conflict prevention and management strategies.

54. Despite the commencement of the implementation of the ECOWAS Regional Plan of Action, a lot more still needs to be done to address the continued and pervasive drug trafficking problem in West Africa. UNOWA will continue to play an active role in the regional and international efforts to combat drug trafficking, particularly in support of the implementation of the ECOWAS Regional Plan of Action and the West Africa Coast Initiative. Beyond continued operationalization of the West Africa Coast Initiative project, I encourage ECOWAS and its international partners to work for the implementation of all other aspects of the Regional Action Plan. For UNOWA to fully play its role in this regard, it will need to strengthen its

technical and strategic police advisory capacity. I recommend that this strengthened capacity be reflected in the next mandate of UNOWA.

55. I also take note with appreciation of the significant progress achieved so far by Cameroon and Nigeria in the demarcation process of their boundary. I commend Presidents Paul Biya of Cameroon and Goodluck Jonathan of Nigeria for their unrelenting efforts aimed at building good neighbourly relations between their two countries and peoples. The Cameroon-Nigeria Mixed Commission and the Follow-up Committee will continue to play an active role in support of the process with a view to overcoming the remaining challenges and paving the way for the conclusion of this unprecedented example of peaceful conflict resolution and peacebuilding.

56. In conclusion, I would like to reiterate my appreciation to the West African States, to ECOWAS, to the African Union and to the Mano River Union for their continued cooperation. I also extend my gratitude to the United Nations entities in West Africa, civil society organizations and other partners for their continued collaboration with UNOWA in the implementation of its mandate. I wish to thank my Special Representative, Said Djinnit, especially for his critical role during the negotiations in Guinea, as well as the staff of UNOWA and the Cameroon-Nigeria Mixed Commission for their valuable contribution to peace and stability in the subregion.

United Nations S/2010/325

Security Council

Distr.: General
21 June 2010

Original: English

Letter dated 14 June 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Afghanistan from 21 to 24 June 2010. The mission will be led by Ambassador Ertuğrul Apakan of Turkey.

As previously and duly mandated by the Security Council, the mission will conclude in Istanbul on 24 June, where the Government of Turkey will take over as the host of the informal Security Council retreat on peacemaking, peacekeeping and peacebuilding. The retreat is expected to benefit greatly also from the insights and experiences that the participants will have gained during the Council's mission to Afghanistan.

The members of the Council have agreed to the attached terms of reference for the mission (see annex). The composition of the mission is as follows:

Ambassador Thomas Mayr-Harting (Austria)
Ambassador Mirsada Čolaković (Bosnia and Herzegovina)
First Secretary Christiano Sávio Barros Figueirôa (Brazil)
Ambassador Wang Min (China)
Ambassador Gérard Araud (France)
Ambassador Emanuel Issoze-Ngondet (Gabon)
Ambassador Yukio Takasu (Japan)
Ambassador Nawaf Salam (Lebanon)
Ambassador Claude Heller (Mexico)
Ambassador Raft Bukun-Olu Wole Onemola (Nigeria)
Ambassador Alexander A. Pankin (Russian Federation)
Ambassador Ertuğrul Apakan (Turkey)
Ambassador Ruhakana Rugunda (Uganda)
Ambassador Mark Lyall Grant (United Kingdom)
Ambassador Susan E. Rice (United States)

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Claude **Heller**
President of the Security Council

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Annex

Security Council mission to Afghanistan, June 2010

Led by Ambassador Ertuğrul Apakan (Turkey)

Terms of reference

1. To reaffirm the Security Council's continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations.

2. To review the progress made by the Government of Afghanistan, with the assistance of the international community, including through capacity-building initiatives, in addressing the interconnected challenges in the areas of security, governance, rule of law, human rights, women's rights and the empowerment of women, the protection of children affected by armed conflict, economic and social development, regional cooperation and counter-narcotics.

3. To assess the status of implementation of relevant Security Council resolutions, in particular resolutions 1806 (2008), 1868 (2009) and 1917 (2010), as well as of mutual pledges and commitments made by the participants to the London and Istanbul conferences held in 2010, and looking ahead to the Kabul conference.

4. To underline the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the civilian efforts of the international community and to express strong support for the ongoing efforts of the Secretary-General, including regarding staff security, and of his new Special Representative for Afghanistan, to reiterate the priorities set out by the Security Council in its resolution 1917 (2010) and to display solidarity with the women and men of the United Nations Assistance Mission in Afghanistan (UNAMA).

5. To review the implementation of the key coordinating role assigned to UNAMA and the Special Representative of the Secretary-General by the Security Council in its resolution 1917 (2010), taking into account the need for a comprehensive approach and the principle of reinforcing the transition towards Afghan ownership and leadership.

6. To review efforts by the Afghan authorities, in support of an Afghan-led development and stabilization process with the assistance of the international community, to address the threat to the security and stability of Afghanistan posed by the Taliban/Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade and in the diversion of chemical precursors.

7. To reaffirm the importance of the effective implementation of measures and application of the procedures introduced by the Security Council in its resolutions 1267 (1999), 1822 (2008) and 1904 (2009) and other relevant resolutions, and to express support for the cooperation of the Government of Afghanistan and UNAMA with the relevant Security Council sanctions committee.

8. To review the humanitarian and development situation in the country, including the efforts to increase the proportion of development aid delivered through the Government of Afghanistan and the role of the provincial reconstruction teams, taking into account the development priorities of Afghanistan.

9. To assess the cooperation, coordination and mutual support between UNAMA and the International Security Assistance Force, including on humanitarian and human rights issues and in supporting the electoral process in accordance with their respective mandates.

10. To assess the preparation of legislative elections to be held later in 2010, as well as their credibility, safety and security.

11. To reaffirm the crucial importance of advancing regional cooperation and dialogue as an effective means to promote governance, security and development in Afghanistan.

United Nations A/64/938–S/2010/328

General Assembly
Security Council

Distr.: General
22 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 13 and 18

Security Council
Sixty-fifth year

Prevention of armed conflict

The situation in the occupied territories of Azerbaijan

Letter dated 18 June 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I would like to refer to documents A/64/794–S/2010/257 and A/64/795–S/2010/258 of 28 May 2010 containing a press release and statement of the Ministry of Foreign Affairs of Azerbaijan and circulated under agenda items 14 and 18 of the General Assembly containing the distorted interpretations of the Azerbaijani Government regarding the resolution of the European Parliament adopted on 20 May 2010 with respect to the need for a European Union strategy for the South Caucasus.

The above-mentioned resolution of the European Parliament is at odds with the spirit of the Nagorno-Karabakh peace process. Certain provisions of the resolution are absolutely not in line with the Madrid Principles, the joint statement issued by the countries of the Co-Chairs of the Organization for Security and Cooperation in Europe Minsk Group at the L'Aquila Summit of the Eight and the declaration on Nagorno-Karabakh of 2 November 2008. Moreover, some of the provisions in the resolution also contradict the positions of the European Union itself with respect to the Nagorno-Karabakh issue.

Azerbaijan has permanently misinterpreted the substance and the causes of this conflict and tries to shift the responsibility for its consequences to the Armenian sides — the Nagorno-Karabakh Republic and the Republic of Armenia.

In fact, the essence of the problem is that the people of Nagorno Karabakh have realized the right to self-determination in full compliance with the principles of international law. The conflict has emerged because of the Azerbaijani policy of ethnic cleansing and violence, carried out brutally against the people of Nagorno-Karabakh in response to their legal claim to live in freedom through the application of their right to self-determination. Consequently, these actions unfolded into open aggression and large-scale hostilities against the self-determined Nagorno-Karabakh Republic, ultimately claiming the lives of tens of thousands of civilians and causing huge material damage. The wounds of the last war have not

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yet healed, but Azerbaijan is trying to launch a new war by initiating an unhealthy arms race and preaching hatred against Armenia and the Armenians at the State level.

We call upon Azerbaijan to show its readiness for constructive participation in the ongoing process of conflict resolution instead of engaging in the meaningless task of interpreting the resolutions of the European Parliament and other international organizations on a selective, one-sided and distorted basis, as it has always done, trying to conceal the true essence of the Nagorno-Karabakh conflict and the reasons for its escalation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

United Nations S/2010/327

Security Council

Distr.: General
22 June 2010

Original: English

Report of the Secretary-General on Eritrea

I. Introduction

1. In paragraph 22 of its resolution 1907 (2009), adopted on 23 December 2009, the Security Council requested me to report within 180 days on Eritrea's compliance with the provisions of the resolution.

2. A note verbale was subsequently transmitted to the Permanent Mission of Eritrea to the United Nations on 22 April 2010 outlining the provisions of Security Council resolution 1907 (2009) and requesting information from the Government, by 7 June 2010, on the fulfilment of the provisions contained therein.

3. On 9 June 2010, the Government of Eritrea submitted a report on its compliance with resolution 1907 (2009) to the Secretariat.

II. Background and key developments since the adoption of resolution 1907 (2009)

4. The Security Council, in resolution 1907 (2009), imposed a targeted sanctions regime on Eritrea for its failure to comply with resolution 1862 (2009) on the border dispute between Djibouti and Eritrea, as well as for its destabilizing role in the Somalia conflict. The resolution imposes an arms embargo on Eritrea and a travel ban and an assets freeze on individuals within the Eritrean political and military leadership who violate the arms embargo, provide support to armed opposition groups destabilizing the region or obstruct implementation of Security Council resolution 1862 (2009). The resolution followed a request by the Intergovernmental Authority on Development (IGAD) and the African Union for the Council to take such action.

5. The Security Council, by its resolution 1907 (2009), also expanded the mandate of the Somalia Monitoring Group to include monitoring and reporting on the implementation of the sanctions imposed on Eritrea. Member States were requested to report to the Security Council within 120 days on steps taken to implement the measures in the resolution. As at 10 June 2010, 26 Member States had provided this information, which was circulated to the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (see annex).

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6. In a letter dated 19 January 2010, President Isaias Afwerki of Eritrea informed Member States of a number of his Government's concerns about resolution 1907 (2009) and outlined its position on Somalia, the border dispute with Djibouti and the border impasse with Ethiopia (S/2010/59, annex).

7. In the letter, President Afwerki requested that an independent body examine all allegations levelled against his Government and that his Government be provided the opportunity to defend itself against the allegations. In my reply to the President, I expressed hope that his Government would be afforded the opportunity to present its views during the Security Council discussions on the report of the Monitoring Group on Somalia in March 2010. I reiterated my personal commitment to carrying on a dialogue with him and his Government on the issues raised in his letter.

8. In furtherance of my good offices, the Department of Political Affairs held several meetings with the Permanent Representative of Eritrea to the United Nations in New York with the aim of maintaining dialogue on the issues raised in the resolution and advancing Eritrea's broader engagement with the international community, including identifying concrete steps that could be taken by Eritrea as a demonstration of goodwill. Such steps could include: allowing a United Nations fact-finding mission to the Eritrea-Djibouti border; pursuing dialogue with Djibouti, either bilaterally or within the compass of my good offices; engaging senior officials of the Somali Government with the aim of formally recognizing the Transitional Federal Government; and re-engagement with the African Union and IGAD. The Permanent Representative of Eritrea indicated that some of these steps are already being taken by his Government.

9. In its most recent report to the Security Council (S/2010/91), the Monitoring Group on Somalia found that, between March 2009 and March 2010, the Government of Eritrea had continued to support armed opposition groups in Somalia politically, financially, diplomatically and, allegedly, militarily. However, the report noted that by late 2009, Eritrea's support had either decreased or become less visible.

10. The Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea undertook a mission to the Horn of Africa from 15 to 17 April 2010. The aim of the mission was to raise awareness of the sanctions regime and to enhance implementation of the provisions of resolutions 1844 (2008) and 1907 (2009). The delegation travelled to Eritrea, where they met with Eritrean officials in Asmara on 24 April. During the visit, the Minister for Foreign Affairs presented a letter to the Chairman of the Sanctions Committee, dated 24 April 2010 (S/2010/225, annex), which was transmitted as an official document of the Security Council. The letter details the Government's position on resolution 1907 (2009), the Djibouti-Eritrea border conflict, the situation in Somalia and the Ethiopia-Eritrea border impasse.

11. On resolution 1907 (2009), Eritrea has maintained that the sanctions were based on unfounded allegations. Eritrea holds that the imposition of sanctions was in essence a political act, promoted by the United States of America and aimed at punishing it, inter alia, for publicly criticizing United States foreign policy in the Horn of Africa. The letter of 24 April 2010 asserted that the resolution would ultimately undermine prospects for peace and stability in the region.

12. Eritrea has denied that a border dispute exists with Djibouti. It also denies allegations that in March 2008 it deployed troops and military equipment to Ras Doumeira and Doumeira Island, or that a military confrontation took place between 10 and 12 June 2008, which resulted in deaths, injuries and the taking of prisoners of war on both sides of the border. At the same time, Eritrea claims that in February 2008, Ethiopia deployed, with the consent of Djibouti, long-range artillery weapons on the strategic highpoint of Mount Musa Ali where the borders of Eritrea, Ethiopia and Djibouti meet. Eritrea claims that the army of Djibouti subsequently launched a surprise attack on Eritrean units along the shared border. Eritrea rejected the visit of the United Nations fact-finding mission on the basis that, prior to it, the Security Council had issued a statement condemning Eritrea without ascertaining the facts on the ground in an impartial manner.

13. In its analysis of the Somalia conflict as reflected in the above-mentioned letter, the Eritrean Government holds that while the crisis has local origins, other factors have contributed to the cycle of violence, including "geopolitical considerations of major powers, military involvement of external forces, and ill-conceived peace initiatives". In Eritrea's view, those who bear primary responsibility for the ongoing suffering in Somalia are the warlords, Somalia's immediate neighbours and the policies of successive United States Administrations. In this respect, Eritrea maintains that the Security Council should launch a comprehensive investigation of the Somalia crisis with the view to finding a durable solution and ending impunity.

14. On 23 May 2010, the Government of Eritrea participated in the Istanbul Conference on Somalia and subscribed to the Istanbul Declaration, which reaffirmed the commitment of the international community to work closely with the transitional federal institutions of Somalia to break the cycle of conflict in that country. The Minister for Foreign Affairs of Eritrea gave a statement in which he outlined three underlying principles on which a lasting settlement of the Somali conflict should be based: first, there could be no military solution to the Somalia conflict, and more arms, training and military offensives would only intensify and prolong the conflict; second, priority must be given to an inclusive political process that does not exclude any party to the conflict; and third, only a Somali-owned and Somali-driven process could guarantee lasting peace in the country.

15. In his recent briefing to the Security Council on 19 May 2010 on the situation in the Horn of Africa, Mr. Ismael Omar Guelleh, the President of Djibouti, expressed concern that Eritrea's incursion remained the greatest national security concern of his Government and cautioned against any hasty assessment of Eritrea's renewed good faith. President Guelleh informed the Council that for the past year Eritrea had been engaged in a campaign to destabilize his country by training elements to sabotage infrastructure and create a climate of fear and tension. In a letter dated 28 May 2010 to the Security Council, the Government of Eritrea categorically rejected these allegations, stating that armed opposition in Djibouti had existed since its emergence as a nation in 1997 and had no connection with current tensions between the two countries. In the same letter, Eritrea reiterated its commitment to ongoing diplomatic efforts to find a negotiated settlement to the border dispute.

16. In a significant development, on 8 June 2010, I received a letter from the Prime Minister and Minister for Foreign Affairs of the State of Qatar transmitting a

copy of an agreement signed by President Afwerki of Eritrea and President Guelleh of Djibouti aimed at resolving the border conflict. The agreement entrusts the State of Qatar with undertaking mediation efforts and establishing a mechanism for the peaceful resolution of the border dispute and the eventual normalization of relations between the two countries. On the same day, the Minister for Foreign Affairs and International Cooperation of Djibouti, in a statement to the press, confirmed the withdrawal of Eritrean troops from Djiboutian territory, as a result of the Qatari mediation effort and the deployment of a Qatari observation force to monitor the border area between the two countries until a final agreement is reached.

17. On 9 June 2010, the Government of Eritrea submitted a letter in response to the note verbale on resolution 1907 (2009). The letter refers to the agreement reached between Eritrea and Djibouti on the border dispute and Qatar's mediation role. The original agreement signed by the Presidents of Djibouti and Eritrea and the "executive document of the agreement" is attached to the letter.

18. The "executive document" refers to the withdrawal of Eritrea from the contested areas and outlines a mechanism for the resolution of the dispute, including: the formation of a Committee that would appoint an international company to demarcate, with the consent of Eritrea and Djibouti, their common border; submission by the parties to Qatar a list containing the number and names of prisoners of war and missing persons; and monitoring of the border by Qatar until the final and binding decision is announced by the Committee on the settlement of the border dispute.

19. The letter also reiterates the Government of Eritrea's position on Somalia and on the Eritrea-Ethiopia border stalemate as outlined in the letter of 24 April 2010 presented to the Sanctions Committee during its visit to Asmara, as summarized above. In addition, the letter underscores Eritrea's readiness to engage in all peace efforts aimed at stabilizing Somalia. It refers to a number of meetings held on the sidelines of the Istanbul Conference on Somalia in which the Eritrean delegation participated, including a trilateral meeting with senior officials of the Transitional Federal Government and the Turkish Minister for Foreign Affairs, and another that included the United Nations, senior officials from the IGAD subregion, the African Union, Turkey and other bilateral partners.

III. Observations

20. Despite the Government of Eritrea's longstanding positions on Somalia and Djibouti, it has recently taken a number of steps towards constructive engagement with its neighbours and the wider international community. This includes its reception of the Sanctions Committee in Asmara, its participation in the Istanbul Conference on Somalia, and its engagement in regional mediation efforts led by the State of Qatar on its border dispute with Djibouti. These are all encouraging developments.

21. I welcome Eritrea's endorsement of the Istanbul Declaration on Somalia, which reflects a notable departure from its previous policy of contesting the legality and legitimacy of the Transitional Federal Government and calling for the expulsion of the Africa Union Mission in Somalia (AMISOM) forces. In a similar vein, I am encouraged that Eritrea is now engaging in an effort to arrive at a peaceful resolution to the border conflict and normalize relations with Djibouti.

22. It should be noted that the United Nations ability to verify Eritrea's compliance with resolution 1907 (2009) is very limited. I hope that the new monitoring group on Somalia and Eritrea, which will be established in due course, will provide for independent monitoring and reporting on the implementation of measures imposed by resolution 1907 (2009), including providing relevant information to the Sanctions Committee's designation of individuals and entities that violate the provisions of the resolution.

23. I welcome recent reports that indicate the steps Eritrea is taking to restore its representation at the headquarters of the African Union in Addis Ababa and I encourage Eritrea to make a similar effort in re-establishing its membership in IGAD. Eritrea's enhanced engagement with regional organizations and international partners would be an important contribution to strengthening peace and stability in the Horn of Africa.

24. While recent developments represent a move in the right direction, I urge the Government of Eritrea to do more to provide evidence of its compliance with resolution 1907 (2009) and the practical measures set out in it.

25. Finally, I wish to underscore that long-term peace and stability in the Horn of Africa require a comprehensive approach to address the interlinked conflicts in the region. In this respect, progress in implementing the decision of the Ethiopia-Eritrea Boundary Commission and normalizing relations between the two countries would significantly contribute to promoting stability in the entire region.

Annex

Reports pursuant to paragraph 20 of resolution 1907 (2009) submitted by Member States to the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea as at 10 June 2010

Austria
Andorra
Belarus
Belgium
Brazil
Canada
China
Czech Republic
Denmark
Finland
Gabon
Greece
Italy
Japan
Lebanon
Liechtenstein
New Zealand
Norway
Portugal
Russian Federation
Serbia
Slovakia
Switzerland
Turkey
United Kingdom of Great Britain and Northern Ireland
United States of America